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**MISCELLANEOUS NATIONAL PARKS BILLS**

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**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON NATIONAL PARKS  
OF THE  
COMMITTEE ON  
ENERGY AND NATURAL RESOURCES  
UNITED STATES SENATE  
ONE HUNDRED TENTH CONGRESS  
FIRST SESSION

ON

<b>S. 169</b>	<b>S. 783</b>
<b>S. 312</b>	<b>S. 890</b>
<b>S. 580</b>	<b>H.R. 497</b>
<b>S. 686</b>	<b>H.R. 1047</b>
<b>S. 722</b>	

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APRIL 26, 2007



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## MISCELLANEOUS NATIONAL PARKS BILLS

THURSDAY, APRIL 26, 2007

U.S. SENATE,  
SUBCOMMITTEE ON NATIONAL PARKS,  
COMMITTEE ON ENERGY AND NATURAL RESOURCES,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 2:30 p.m., in room SD-366, Dirksen Senate Office Building, Hon. Daniel K. Akaka presiding.

### OPENING STATEMENT OF HON. DANIEL K. AKAKA, U.S. SENATOR FROM HAWAII

Senator AKAKA. The Committee on Energy and Natural Resources, subcommittee on National Parks is now in order.

The purpose of today's hearing is to receive testimony on several bills pending before the subcommittee which I will briefly list.

S. 169 to amend the National Trail System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the system.

S. 312 and H.R. 497 to authorize a memorial to honor Brigadier General Francis Marion.

S. 580 to amend the National Trail System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails.

S. 686 to amend the National Trail System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail.

S. 722 to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona.

S. 783 to adjust the boundary of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana. That's Jean Lafitte.

S. 890 to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission.

H.R. 1047 to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System.

Many of these bills have been considered by committees in previous years—two of the National Trail bills, in particular. One providing for authority to purchase lands from willing sellers and now that to authorize the study of new routes to existing trails have

been considered and approved by the Senate, many times over the past several years.

I hope this time we can, finally, move these bills successfully through the House and Senate and enacted into law.

Because of the limited time available today, I'll reserve discussion on other bills until later in the hearing.

[The prepared statement of Senator Inouye follows:]

PREPARED STATEMENT OF HON. DANIEL K. INOUE, U.S. SENATOR FROM HAWAII

S. 890, A BILL TO PROVIDE FOR CERTAIN ADMINISTRATIVE SUPPORT SERVICES FOR THE DWIGHT D. EISENHOWER MEMORIAL COMMISSION

Mr. Chairman and members of the subcommittee, thank you for allowing me to submit testimony in strong support for a bill that I sponsored with Senators Stevens, Roberts, Reed, and Hagel. As Vice-Chairman of the Dwight D. Eisenhower Memorial Commission, I know that this legislation is important to our continuing efforts to establish a national, permanent memorial to President Eisenhower.

The Eisenhower Memorial Commission was created by Congress in 1999 and fully appointed in 2001. It is completely bipartisan and consists of four Senators, four Representatives, and four private citizens. In September 2006, the Commission received final approval to locate the National Eisenhower Memorial across the street from the National Air and Space Museum at the intersection of Maryland and Independence Avenues, S.W.

In the fifteen months between site selection and site approval, the Commission completed its due diligence for the site, submitting a Site Selection Report, an Environmental Assessment of the site, a Traffic Impact Study, and a Utilities Survey to the approval agencies. The National Capital Memorial Advisory Commission, the Commission of Fine Arts, and the National Capital Planning Commission unanimously approved the site selection. In May 2006, Congress agreed that President Eisenhower's legacy was of pre-eminent historical and lasting significance to the Nation, and unanimously passed a resolution approving location of the memorial in the prominent "Area I."

President Eisenhower's significance continues to astonish those who discover it. Although born in the 19th century—before automobiles and airplanes—his profound legacy influences America and the world in the 21st century. It was President Eisenhower who completed American nationhood by adding Hawaii and Alaska to the United States. It was President Eisenhower who created the National Aeronautics and Space Administration, the Federal Aviation Administration, and the Department of Health, Education, and Welfare. It was President Eisenhower who desegregated the District of Columbia and sent troops into Little Rock, Arkansas to support school integration. It was President Eisenhower who created the Interstate Highway System and took America into space.

His is the story of a consummate American—a man who believed fundamentally and profoundly in freedom and democratic processes. The President Eisenhower story is also the story of a statesman of genius—a man who tirelessly sought, and to a great extent achieved, international peace and security. His calm, confident leadership supported his country through a terrible war in Europe and a terrifying international aftermath. He was a shrewd and cunning strategist of Cold War politics. And yet he never lost his faith in humanity and in Americans. He once said "There is nothing wrong with America that the faith, love of freedom, intelligence, and energy of her citizens cannot cure."

President Eisenhower's lifetime of selfless public service can inspire new generations of Americans. The National Eisenhower Memorial will ensure that his legacy is remembered and passed on to future generations. President Eisenhower as General, as President, and as Public Servant set a brilliant example of everything that is best about America. His distinguished legacy will serve as a stirring reminder that we—as a nation and as individuals—can rise to meet any challenge.

The Eisenhower Memorial Commission has studied the Eisenhower Legacy and obtained site approval. Now, the Commission is preparing to embark on the Design Phase. The Commission needs revised administrative authorities in order to continue managing the process efficiently and responsibly. S. 890 provides the Commission with certain authorities given to temporary commissions in existence for up to three years. The Eisenhower Memorial Commission has similar needs, but will exist for a longer period of time. For example, S. 890 will enable the Commission to hire temporary employees instead of contract consultants, simplifying administration of staffing and covering the liability of its employees. S. 890 will also provide for the

Executive Architect to represent the Commission on the panels that will select the design team for the memorial. The measure also restricts its staff or members from participating in the determination and selection of the design team.

This legislation is necessary and timely, and will help to move the Commission smoothly into the next phase of memorialization. S. 890 will enable the Commission to continue working not only to ensure that the National Eisenhower Memorial is an inspiration to future generations, but also to ensure that the memorialization process is an example of responsible public work. I am pleased to join with my colleagues and enthusiastically support this legislation before the Committee today.

Again, thank you for the opportunity to share my thoughts and support for this legislation. I urge your favorable consideration and support of the measure.

Senator AKAKA. At this time I'd like to recognize the ranking member and a good friend. We work so well together, Senator Thomas.

**STATEMENT OF HON. CRAIG THOMAS, U.S. SENATOR  
FROM WYOMING**

Senator THOMAS. Thank you, Mr. Chairman and good afternoon. Thank you for holding this hearing.

I also want to thank the Deputy Director, Dan Wenk for being here and providing information on the bills under consideration.

We have seven Senate bills and two House bills before us; among them is S. 169, a National Trails Willing Seller bill. I'd like to thank Senator Allard for making changes to the bill in response to our concerns in 108th Congress.

This bill gives authority to the Federal Government to purchase land for an additional nine trails; one of those is the Continental Divide Trail which passes through the State of Wyoming.

The bill specifies the land can only be acquired from willing sellers. The bill does not give the Federal Government any authority to regulate activities on lands within the view shed.

This is important because the Federal land along the Continental Divide Trail has been managed for multiple use and multiple use needs continue.

So, thank you for having this hearing. I look forward to hearing from the witnesses.

Senator AKAKA. Thank you. It's so good to be with you here today and before us we have such a good friend, Senator Allard, who will testify on S. 169, his bill authorizing willing seller authority for several national trails.

Senator Allard, we're so happy you're here and welcome you to the committee. So, please proceed.

**STATEMENT OF HON. WAYNE ALLARD, U.S. SENATOR  
FROM COLORADO**

Senator ALLARD. Thank you very much, Chairman Akaka and Senator Thomas for your comments. Obviously you have a full docket here before you and I so very much appreciate both you and Senator Thomas allowing me the opportunity to appear before you today, and for the committee's consideration the National Trails and System Willing Sellers Act.

Willing Seller, willing buyer is very important in our part of the country. I think it is in your part of the country as well, Mr. Chairman. Many members of this committee are strong supporters for National Trails System.

Trails like the Continental Divide Trail in Colorado, which some of you may have had an opportunity to travel on horseback, or to hike. I've had that opportunity. It's a glorious experience. I'd highly recommend it for every American.

I commend all of you for your efforts as you work on public land management and strive to find the proper balance between public and private land ownership.

The Willing Seller Act is not new to this committee, as you mentioned, starting in the 103d Congress and in every subsequent Congress some form of this legislation has been introduced.

The 108th Congress, this committee approved similar legislation and the Senate unanimously approved the bill, unfortunately the House of Representatives failed to act on this bill before the session ended.

I look forward to working with my colleagues and those who have put so much time into this effort as we work to finally pass this bill into law.

On October 2, 1968, the National Trail System Act, which authorizes national trails system, became law. The intent of the act was to create a system of trails that provide recreation opportunities that promotes the preservation of access to the outdoor and historic resources of this nation.

Historically trails have served as routes for the commerce and migration that expanded our nation, connected our geographically diverse populace.

Today these same trails serve as a proud link to our past heritage and scenic beauty connecting the paths of our nation with the present generation of Americans.

Congress authorized nine national scenic and historic trails between 1978–1986. However, unlike the other trails within the system, these trails did not have the authority to purchase land to complete the trails from willing sellers.

In other words, even if a land owner wants to furnish land that would fill the gaps in trail ownership, he or she cannot do so. That's why I've introduced this legislation.

The Willing Seller Act restores the ability of the Federal agencies to carry out their responsibility to protect nationally significant components of our nation's cultural, natural and recreational heritage.

Completion of these trails is important to me in my State and I hope you'll support the Willing Seller bill.

The authorization granted in S. 169 only authorizes land acquisition from willing sellers.

With this willing seller authority, sections of these trails now located on roads, can be moved to overland trails or routes that will provide safer and better conditions for hikers and other trail users.

Under the Willing Seller Act, no contract is valid unless the landowner agrees to sell and receives compensation for his land. In addition, the Federal Government specifically denies its power to condemn land for the trail.

Congress enacted the National Trail System Act in 1968 to provide the means to provide the ever increasing outdoor recreation needs of an expanding population and in order to promote the preservation of, public access to, travel within, and enjoyment and ap-

preciation of the open-air, outdoor areas and historic resources of this Nation.

The Willing Sellers Act restores consistency to the National Trail System by providing the means to complete the Trail Systems Act. S. 169 provides the authority for Federal agencies to help protect the sites and segments critical to preserving the integrity and continuity of nearly half of the National Trails System.

Mr. Chairman, it is my hope that we can reach an agreement on this bill so that we will be able to preserve private property rights while serving the intent of the National Trails System Act.

Thank you for your time and consideration.

Senator AKAKA. Thank you very much, Senator Allard for your testimony and for your bill, S. 169 and we will certainly consider it as quickly as we can.

Senator ALLARD. Thank you very much, Mr. Chairman. You're most gracious.

Senator AKAKA. Thank you very much.

Senator ALLARD. Thank you.

Senator AKAKA. Before we proceed with our next witness, I'd like to include statements in the record from Senator Carl Levin of Michigan on S. 196 and Senator Joseph Lieberman from Connecticut on S. 686 and Senator John McCain, S. 722.

[The prepared statements of Senator Levin, Senator Lieberman, and Senator McCain follow:]

PREPARED STATEMENT OF HON. CARL LEVIN, U.S. SENATOR FROM MICHIGAN

S. 169—NATIONAL TRAILS SYSTEM WILLING SELLER ACT

I want to thank Chairman Akaka and Ranking Member Thomas for holding this hearing on important legislation relating to our country's historic trails system. After several years of working on S. 169, the National Trails System Willing Seller Act, we have been able to craft a bill with bipartisan support that would protect property rights, help enable the completion of nine national trails, protect natural and historic resources, and provide recreational opportunities. Legislation nearly identical to this bill was passed by the full Senate in the 108th Congress. Unfortunately, the House did not act on this bill.

S. 169 would amend the National Trails System Act (NTSA) to provide the federal government with the authority to acquire land, including easements, from willing sellers to complete nine national scenic and historic trails authorized under the Act. Without this bill, a landowner who wants to sell to the federal government is denied the right to do so.

I am most familiar with the situation along the North Country Trail, a 4,600 mile long trail that traverses seven states (North Dakota, Minnesota, Wisconsin, Michigan, Ohio, Pennsylvania, and New York). The longest segment is in Michigan, with 1,150 miles. The North Country Trail is 54 percent completed and certified. However, the trail faces significant challenges, including development pressures and the need to cross long stretches of private lands. Without this legislation, the trail cannot be completed. Congress chose the route for this trail. Congress determined this would be a National Scenic Trail, which by nature must be a continuous, publicly accessible path, from New York to North Dakota. Yet, Congress has not yet given our agencies the acquisition authority needed to fully establish this Congressionally-designated trail across its Congressionally-determined route.

As directed by the National Trails System Act, a strong public-private partnership has developed to support the establishment of the North County Trail. Our partners are working in very limited ways through creative relationships with non-federal agencies to try to do what they can to meet the goals Congress set forth for this trail. Volunteers, private entities and state agencies are shouldering much of the responsibility of building and protecting this 4,600 mile long National Park Service trail. The Federal government, through the National Park Service, is playing a critical role, but land and easement acquisition cannot occur without the authority provided in this bill.

Willing sellers, in many cases public-spirited citizens, should have the right to sell easements or even portions of their land to the Federal government should they choose to do so and if it is in the national interest. In addition to important trail linkages, with willing seller authority, sections of the current trail can be moved from roads where hikers and other trail users are unsafe.

Federal agencies have been given land acquisition authority for sixteen of the twenty-five national scenic and historic trails, but have, for no logical reason, been denied authority to acquire land for the other nine trails. This bill begins to restore consistency to the National Trails System Act by enabling the federal agencies to acquire necessary land from willing sellers for an additional nine trails.

In summary, the acquisition authority restored through S. 169 for these nine trails is sensible and reasonable given the direction set by the National Trails System Act, and is respectful of property rights. No condemnation authority is sought. I look forward to working with the Committee to again pass this important legislation.

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PREPARED STATEMENT OF HON. JOSEPH I. LIEBERMAN, U.S. SENATOR  
FROM CONNECTICUT

S. 686, A BILL TO AMEND THE NATIONAL TRAILS SYSTEM ACT TO DESIGNATE THE  
WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE A NATIONAL HISTORICAL TRAIL

Thank you, Mr. Chairman. On October 28, 1781, Congress authorized the creation of a monument to commemorate the victory at the Battle of Yorktown and to recognize the French Alliance that was essential to our independence. Now, 225 years later, the Senate has the opportunity to remember and celebrate our history by designating the Washington-Rochambeau Revolutionary Route a National Historic Trail. The trail would honor the miraculous campaign of two nations, two armies, and two great men. A campaign that culminated in the defeat of General Cornwallis' British troops at Yorktown and the conclusion of the American Revolutionary War.

The 600-mile route winds through the States of Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, each of which made a unique contribution to the tale of the expedition. There have been many State, regional and local efforts to celebrate and commemorate this historic path over the years. I am particularly proud of the efforts of the State of Connecticut:

- In 1957, the Connecticut General Assembly passed a bill to erect markers designating the campsites occupied by the French under General Rochambeau.
- In 1995, the Connecticut Inter-Community Historic Resource Committee further identified and classified campsites along the route.
- In 1998, the State legislature appropriated funds to undertake the historical research needed as a first step in having the entire route listed in the National Register.
- In 1999, local historians and individuals from Connecticut along with those from New Jersey and New York, formed the Washington-Rochambeau Revolutionary Route Committee, which in 2003 resulted in the National Washington-Rochambeau Revolutionary Route Association.

I am privileged to support this legislation along with my colleagues, Senators Warner, Biden, Clinton, Dodd, Menendez, Reed, Specter, and Whitehouse. The bill ensures that this history, in all its rich detail, is not forgotten. Thank you, Mr. Chairman.

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PREPARED STATEMENT OF HON. JOHN MCCAIN, U.S. SENATOR FROM ARIZONA

Chairman Akaka and members of the Subcommittee, I greatly appreciate your consideration of S. 556, the Walnut Canyon Study Act of 2005, as part of today's hearing. As you know, the bill would authorize the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a special resources and land management study for certain lands in the area of Walnut Canyon National Monument.

For several years, local communities adjacent to the Walnut Canyon National Monument have debated whether the federal land surrounding the monument would be best protected from future development under the management of the U.S. Forest Service or the National Park Service. After much debate and several public hearings, the Coconino County Board of Supervisors and the Flagstaff City Council agreed to and passed a joint resolution asking Congress for a special Federal study

to determine the best management options for the land surrounding Walnut Canyon. This bill would fulfill the request of the City and County and help extinguish a potential conflict that threatens the public enjoyment of both Walnut Canyon and the surrounding Coconino National Forest.

As you may know, the Senate Subcommittee on National Parks held a hearing on a similar bill I introduced during the 109th Congress, S. 566. Unfortunately S. 566 was not passed by the full committee before final adjournment of the last Congress. The bill before the Subcommittee today is the result of collaboration and fine tuning between my office, other members of the Arizona delegation, the City of Flagstaff, and the Coconino County Board of Supervisors. The improvements made to the original bill, S. 556, which now appear in S. 722, do not alter the spirit or overall goal of the S. 566, and do not break with the original request by the City and the County.

I'm aware that some local interests in the Flagstaff area, like the Friends of Walnut Canyon, are now voicing concerns that S. 722 doesn't go far enough in assessing the level of protection that may be needed for Native American cultural sites residing just outside of the Monument. I don't believe they understand that the bill as drafted actually does what they are advocating. Specifically, Sec. 4(b) of the bill requires the study to "evaluate the significance of the resources and public values of the study area as the resources and public values pertain to the management objectives of the Forest Service and the National Park Service." This language ensures that the Park's mission of cultural and natural resource protection will be factored in the study while simultaneously acknowledging the Forest Service's multiple use responsibility to its users. Furthermore, Sec. 3 of the bill defines the terms "public use" and "public value," in the same way that "public values" and "public uses" were defined in the City-County joint resolution (County Resolution 2002-65, dated 12/17/02), and specifically references "group uses," "prehistoric sites," and "historic sites." While language in Sec. 4(b) requires the Secretaries to assess the feasibility of designating the study area as a National Recreation Area, the same section also requires the study to assess "a range of options for managing and conserving resources . . . including studying the feasibility of a boundary adjustment to the Monument" and "any other designation or management option that will accomplish both the protection of resources and the maintenance of public use and access for the study area." I believe, as does Coconino County and the City of Flagstaff, that such provisions address the concerns raised by groups like the Friends of Walnut Canyon.

Mr. Chairman, this legislation would provide a mechanism for determining the preferable management options for one of Arizona's high use scenic areas and help to protect the natural and cultural resources of this incredibly beautiful monument. By carrying out this study, we can more accurately resolve any questions for future potential conflicts dealing with urban encroachment and resource protection for Walnut Canyon.

Again, I thank the Chairman and the Subcommittee for their consideration of this legislation.

Senator AKAKA. We also have received several written statements which will be included in the record.

Dan Wenk, Associate Director of the National Park Service, is here before us to testify on behalf of the Department of Interior.

Mr. Wenk, I want to welcome you to the subcommittee. Please feel free to summarize your testimony. Your complete statement will be included in the record. Will you please proceed with your comments on all of the bills? Then we'll turn to your questions.

**STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR FOR OPERATIONS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR**

Mr. WENK. Thank you, Mr. Chairman. Thank you for the opportunity to appear before this subcommittee to present the views of the Department of the Interior on the eight bills on today's agenda.

I would like to submit my entire statement for the record and summarize the Department's positions on these bills.

Senator AKAKA. We'll include them.

Mr. WENK. The first bill, S. 169 amends the National Trail System Act to clarify Federal authority relating to land acquisition from willing sellers.

The Department supports S. 169, which is similar to legislation the Department supported during the 108th Congress. It would bring the land acquisition authority on these nine trails in line with those in the majority of the national scenic and national historic trails in the National Trail System.

It would also allow the Federal Government to assist in the protection of these trails through donation, easement and as a last resort, fee simple acquisition from land owners actively interested in selling land for trail protection.

The second bill, S. 312 and H.R. 497, would authorize the Marion Park Project. A committee of the Palmetto Conservation Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor Brigadier General Francis Marion.

The Department supports S. 312 and H.R. 497 and we suggest that a technical correction be made to S. 312 to change the name of the entity to establish the commemorative work to make it consistent with the House passed companion bill H.R. 497.

The third bill, S. 580, amends the National Trail System Act to update the feasibility and suitability of studies of the Oregon, Pony Express, California, and Mormon Pioneer National Historic Trails to examine additional routes and cutoffs not included in the initial studies of all four trails.

The Department supports S. 580, which is similar to legislation the Department supported during the 108th Congress, but believes that funding requested should be directed first toward completing previously authorized studies.

The fourth bill, S. 686 would designate the 600 mile Washington-Rochambeau Revolutionary Route as a National Historic Trail. The trail would stretch from Newport, Rhode Island down to Yorktown, Virginia across nine States and the District of Columbia.

The study's report on the trail continues under public review until May 4, 2007, but has preliminarily concluded that the trail meets the criteria for a designation as a National Historic Trail.

The Department supports enactment of this bill.

The fifth bill, S. 722, would direct the Secretaries of the Interior and Agriculture to conduct a study of approximately 31,000 acres surrounding Walnut Canyon National Monument. The bill would direct the Secretaries to utilize a third-party consultant to prepare a study which would evaluate a range of options to manage Federal and State lands adjacent to Walnut Canyon in order to protect resources and maintain public use in access to this area of Arizona.

A report that includes the findings, conclusions and recommendations for future management of the study area would be transmitted by the Secretaries to Congress no later than 18 months after funds are made available.

The administration does not object to the enactment of S. 722, but believes that funding should be directed first toward completing and implementing ongoing studies.

The sixth bill, S. 783 would expand the boundary of Jean Lafitte National Historical Park and Preserve by approximately 8,900

acres. This bill would add approximately 3,084 acres of Federal land adjacent to the Barataria unit of the park.

It would also add the 5,000 acre Fleming Plantation which is located across the Bayou Barataria from the Barataria unit, less than one-quarter mile away from the existing unit boundary.

The Department supports the bill, but would like to work with the subcommittee to make the bill consistent with boundary expansion bills for Jean Lafitte that have passed the Senate during previous Congresses.

The seventh bill, S. 890, would provide for certain administrative and support services for Dwight D. Eisenhower Memorial Commission. The Department has no position on S. 890 as it involves providing administrative and support services for an established Congressional Commission by the General Services Administration.

However, we support the work of the Commission and are willing to assist them throughout the process of establishing an appropriate and permanent memorial to honor Dwight D. Eisenhower, the 34th President of the United States.

And the eighth bill, H.R. 1047, would authorize the Secretary of Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri as a unit of the National Park System.

The Department opposes this bill. The memorial is currently listed as eligible for the National Register of Historic Places, but at this time has not been nominated. In a time of tight budgets and refocusing on the core mission of the National Park Service, we believe that funding should be directed toward completing previously authorized studies.

Mr. Chairman, that concludes my statement. I'd be happy to answer any questions you or other committee members may have.

[The prepared statement of Mr. Wenk follows:]

PREPARED STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR FOR OPERATIONS,  
NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

S. 169

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department's views on S. 169, the National Trails System Willing Seller Act. S. 169 would amend the National Trails System Act to provide land acquisition authority from willing sellers, but specifically exclude the use of condemnation, for nine national scenic and national historic trails established between 1978 and 1986.

The Department supports S. 169, which is similar to legislation the Department supported during the 108th Congress. The Department supports the 17 national historic trails, 8 scenic trails, and 900 national recreation trails that make up the approximately 60,000 miles of trails in the National Trails System. National trails are a popular way of linking together thousands of significant historic sites and drawing attention to local cultural and natural resources. This network of trails has provided millions of visitors across the country with rewarding and enjoyable outdoor experiences. Thousands of volunteers each year work tirelessly to plan, promote, build, maintain and otherwise care for these trails.

Trails can provide an important opportunity to promote citizen involvement and bring together communities. The Department of the Interior has developed a set of principles that will serve as an important guide for all land transactions conducted by the Department. The principles include:

1. *Integrity*.—Transactions shall meet the highest ethical standards and comply with all applicable laws, rules, regulations and codes of professional conduct.

2. *Good Faith*.—Transactions shall occur in good faith and only with willing parties.

3. *Transparency*.—Transactions shall be pursued transparently with appropriate opportunities for public participation.

4. *Mission*.—Transactions shall promote fulfillment of Departmental and Bureau missions.

5. *Citizen Stewardship*.—Transactions shall be consistent with the promotion of private stewardship.

6. *Innovation*.—Transactions shall employ easements, donations and other alternatives to fee title when appropriate.

7. *Congressional Direction*.—The Department shall provide technical assistance and policy recommendations to Congress, when requested, and in a manner consistent with these principles.

Within this framework, the Department recognizes the positive role the Federal government could play in the protection of these trails with the authority provided under S. 169. For example, current provisions of the National Trails System Act prohibit the expenditure of funds to acquire lands and do not provide clear authority to accept donated lands or easements. The current prohibition on using funds to acquire lands also applies to the acquisition of interest in lands, and thus, the Federal government cannot purchase easements from interested landowners.

It is paramount that we work closely with private landowners, local communities, private volunteer groups, and State and local governments to discover creative solutions for trail protection that may not result in fee simple acquisition. To ensure that such alternative solutions are fully explored, we have provided a proposed amendment at the end of this testimony.

In addition to the considerations in our proposed amendment, we understand that several additional steps would have to occur before purchase of a trail segment from a willing seller occurs including: developing a land protection plan; undergoing a public review process; and requesting, obtaining and prioritizing appropriate funding.

The National Trails System Act was initially developed by Congress principally to offer Federal assistance and support for protecting the land base of the Appalachian National Scenic Trail. When the act was passed in 1968, both the previously existing Appalachian and Pacific Crest National Scenic Trails were established as the two initial components of the National Trails System and 14 more trails were proposed for study as potential additions to the National Trail System. The core authorities of the act addressed how to establish nationally significant trails.

In 1978, the national historic trails category was added to the National Trails System accompanied by authorization of four historic trails (Oregon, Mormon Pioneer, Lewis and Clark, and Iditarod). National historic trails were seen as primarily commemorative with only limited need for acquisition authority. Amendments added to the National Trails System Act prohibited expenditures by Federal agencies to acquire lands or interests in lands for these trails outside of existing Federal areas. Amendments added in 1980 and 1983 made this prohibition applicable to the Continental Divide National Scenic Trail, as well as to the North Country, Ice Age, and Potomac Heritage National Scenic Trails. This means the generic land acquisition authorities provided in Section 7 of the National Trails System Act cannot be used on any of these scenic and historic trails.

Since 1983, most of the trails established under the National Trails System Act have had language similar to the following sentence: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the United States for the Pony Express National Historic Trail except with the consent of the owner thereof.” This “willing seller authority” falls somewhere between the full land acquisition authority used to protect the Appalachian and Pacific Crest National Scenic Trails and the ban on Federal funding for acquiring segments that fall outside of national parks, forests and wildlife refuges on the nine trails included in this bill.

From its beginning, the National Trails System was premised on the establishment, operation, and maintenance of national trails as collaborative partnership efforts. For land protection, specifically, state governments and nonprofit partners are encouraged to protect what they can of the national trails, with the Federal government embarking on land acquisition only as a last resort. For example, in Wisconsin, an arrangement was set up for the Ice Age National Scenic Trail under which the State of Wisconsin took the lead in acquiring trail lands, with support from the Ice Age Park and Trail Foundation and coordination by the National Park Service. Further, trail nonprofit partners have been encouraged to develop land

trusts to acquire critical lands. This bill is supported by a broad coalition of trail organizations across America.

Along historic trails, the major means of protecting the trail corridor has been through a voluntary certification process. These renewable agreements between the Federal trail agency and the landowner have enabled trail sites and segments to remain in private ownership and still receive Federal government recognition as part of a national historic trail. The advantages to certification are that it is less costly for the government and the land remains in private (or State) ownership, continuing to generate taxes.

It would be impossible to estimate funding requirements associated with this bill at this time, as the number of willing sellers is unknown, whether donation, easements, or fee simple acquisition would be employed is unknown, and the cost of the land segments for each trail would vary due to geographic location and the long time span over which the acquisition work would take place. The Administration will identify the costs for each trail on a case-by-case basis.

By bringing the land acquisition authority on these nine trails in line with those in the majority of national scenic and national historic trails in the National Trail System, S. 169 would allow the Federal government to assist in the protection of these trails, through donation, easements, and, as a last resort, fee simple acquisition from landowners actively interested in selling land for trail protection.

Mr. Chairman, this concludes my prepared testimony. I would be happy to answer any questions you or your committee may have.

PROPOSED AMENDMENT TO S. 169

On p. 2, line 9, after "thereof" insert "The Secretary shall give priority to acquiring lands by donation and acquiring easements or other alternatives to fee title when appropriate."

On p. 2, line 19, after "thereof" insert "The Secretary shall give priority to acquiring lands by donation and acquiring easements or other alternatives to fee title when appropriate."

On p. 3, line 3, after "thereof" insert "The Secretary shall give priority to acquiring lands by donation and acquiring easements or other alternatives to fee title when appropriate."

On p. 3, line 13, after "thereof" insert "The Secretary shall give priority to acquiring lands by donation and acquiring easements or other alternatives to fee title when appropriate."

On p. 3, line 23, after "thereof" insert "The Secretary shall give priority to acquiring lands by donation and acquiring easements or other alternatives to fee title when appropriate."

On p. 4, line 9, after "thereof" insert "The Secretary shall give priority to acquiring lands by donation and acquiring easements or other alternatives to fee title when appropriate."

On p. 4, line 16, after "thereof" insert "The Secretary shall give priority to acquiring lands by donation and acquiring easements or other alternatives to fee title when appropriate."

On p. 4, line 23, after "thereof" insert "The Secretary shall give priority to acquiring lands by donation and acquiring easements or other alternatives to fee title when appropriate."

On p. 5, line 5, after "thereof" insert "The Secretary shall give priority to acquiring lands by donation and acquiring easements or other alternatives to fee title when appropriate."

S. 312 AND H.R. 497

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 312 and H.R. 497, bills to authorize the Marion Park Project, a committee of the Palmetto Conservation Foundation, to establish a commemorative work on Federal land in the District of Columbia and its environs to honor Brigadier General Francis Marion.

The Department of the Interior supports enactment of S. 312 and H.R. 497, and we suggest that a technical correction be made to S. 312 to make it consistent with the House-passed companion bill, H.R. 497. The Senate bill references "the Marion Park Project and Committee of the Palmetto Conservation Foundation" as the entities authorized to establish the commemorative work. We suggest an amendment to change this reference to "the Marion Park Project, a committee of the Palmetto Conservation Foundation." The National Capital Memorial Advisory Commission considered proposals to establish this memorial on June 27, 2006, and unanimously

endorsed the establishment of a memorial in the Nation's Capital to Brigadier General Francis Marion.

S. 312 and H.R. 497 would establish a commemorative work on Federal land to honor Brigadier General Francis Marion in accordance with the Commemorative Works Act. They would prohibit Federal funds from being used to pay any expense of the establishment of the commemorative work, requiring the Marion Park Project and Committee of the Palmetto Conservation Foundation to be solely responsible for funding and establishment. After payment of the expenses for establishing the commemorative work, which includes the offset for the maintenance and preservation of the memorial, or upon expiration of the authority for the commemorative work, S. 312 and H.R. 497 would direct all remaining funds to be transmitted to the Secretary of the Treasury for deposit in an account provided for this purpose. S. 312 also would direct any funds remaining for the commemorative work upon expiration of legislative authority to be transferred to the same account.

Memorials built in the District of Columbia and its environs on lands managed by the National Park Service or the General Services Administration are established in accordance with the Commemorative Works Act. If a memorial is proposed on lands managed by the National Park Service, the Commemorative Works Act requires that within 7 years from the date of enactment, the sponsor obtain approvals for its location and design from the Secretary of the Interior, the National Capital Planning Commission, and the Commission of Fine Arts and complete its fundraising for the memorial. The National Park Service issues a permit to begin construction of the memorial as soon as construction documents are certified and evidence of sufficient funds to complete the memorial have been provided by the sponsor. The Commemorative Works Act also requires an additional 10 percent of the construction cost to be provided to defray future unbudgeted maintenance costs. Since 1986, memorials that range from large-scale memorials to memorial plaques have been established under the terms of the Commemorative Works Act. These have fully met the requirements to obtain a permit to begin construction.

Although S. 312 and H.R. 497 do not designate a specific site for the memorial, they recognize that U.S. Reservation 18 has been named Marion Park since 1878 but lacks a formal commemoration to Brigadier General Francis Marion. Marion Park is located between 4th and 6th Streets, S.E. at the intersection of E Street and South Carolina Avenue, S.E. in Washington, D.C. This site is located in Area II under the Commemorative Works Act, which requires that the subject be of "lasting historical significance to the American people." While Marion Park is the logical place to locate this memorial, we would like the opportunity to study alternative locations with potential nexus to Brigadier General Marion under the provisions of the Commemorative Works Act. Site selection is an important part of the process established by the Commemorative Works Act. Thus, recognizing Marion Park in the findings of the bill, rather than designating it as the site for the commemorative work, is appropriate.

Brigadier General Francis Marion commanded the Williamsburg Militia Revolutionary force in South Carolina and was instrumental in delaying the advance of British forces by leading his troops in disrupting supply lines. He is credited for inventing and applying innovative battle tactics in this effort, keys to an ultimate victory for the American Colonies in the Revolutionary War. Additionally, Brigadier General Marion's troops are believed to have been the first racially integrated force fighting for the United States. In our judgment he is certainly worthy of being commemorated in our Nation's Capital.

Mr. Chairman, thank you for the opportunity to comment. This concludes my prepared remarks and I will be happy to answer any questions you or other subcommittee members might have.

S. 580

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 580, a bill to amend the National Trails System Act to update the feasibility and suitability studies of the Oregon, Pony Express, California, and Mormon Pioneer National Historic Trails (NHTs).

The Department supports S. 580, which is similar to legislation the Department supported during the 108th Congress. While the Department supports the authorization of these studies, we also believe that any funding requested should be directed first toward completing previously authorized studies.

S. 580 would update the feasibility and suitability studies and make recommendations through the examination of additional routes and cutoffs not included in the initial studies of all four trails. The Secretary of the Interior would determine if any of these routes and cutoffs are eligible as additions to the four NHTs at the comple-

tion of these studies and report back to the Congress on those deemed appropriate for addition to the trails.

The feasibility study for the Oregon NHT was completed in 1977, the study for the Mormon Pioneer NHT in 1978, and the one for the California and Pony Express NHTs in 1987. Since those studies have been completed, additional routes and cutoffs were identified that may qualify as segments of these trails. The National Trails System Act does not provide the authority to evaluate and add additional routes and cutoffs without certain legislative amendments.

The Oregon NHT, authorized in 1978, commemorates the “primary route” used by emigrants beginning in 1841 between Independence, Missouri and Oregon City, Oregon. Traveled by thousands, the trail contained routes and cutoffs used through the years. These secondary routes had substantial emigrant traffic over several decades that demonstrate historical significance and may be worthy of examination in an updated study.

The authorization of the Mormon NHT in 1978 commemorates the journey of the pioneer party in 1846-1847 from Nauvoo, Illinois, to Salt Lake City, Utah. As with the Oregon NHT, emigrant traffic occurred on many additional routes during the Mormon migration westward. As with the other trails, these routes frequently coincide with one another. Preliminary data indicate significant historic traffic along many of these routes.

Authorized in 1992, the California NHT commemorates the gold rush to the Sierra Nevada. Dozens of routes and cutoffs were traveled by thousands of pioneers, but no single route dominated.

The Pony Express NHT was included in the same authorizing legislation as the California NHT. It commemorates the efforts of this nation struggling to establish a system of communication across the Trans-Missouri west. The trail primarily follows routes beginning at St. Joseph, Missouri and ending in San Francisco, California. The firm of Russell, Majors, and Waddell, a Missouri freighting company, established and operated the Pony Express for one and a half years before it fell on hard times and ceased to exist. A short section of the trail, from the Missouri River into Kansas, may be worthy of study and is included in S. 580.

All four trails overlap one another in many locations and several of the routes and cutoffs proposed for study in S. 580 are already part of designated trails. These shared routes are prominent where the trails depart from various points along the Missouri and Mississippi Rivers, particularly in the Kansas City, St. Joseph, Nebraska City, Council Bluffs and Omaha areas. Several other shared locations include routes in western Nebraska, Kansas, Colorado, Wyoming, Idaho, Nevada and California.

The National Trail System Act requires that studies of lands proposed for trails be made in consultation with Federal, State, and local agencies, as well as nonprofit trail organizations. Between 1994 and 1999, the National Park Service—in collaboration with the Bureau of Land Management, USDA Forest Service, trail advocacy groups and others—completed the Comprehensive Management and Use Plan and Environmental Impact Statement (1999) for the four trails. This was the initial plan for the recently established California and Pony Express NHTs as well as revised plans for the earlier established Oregon and Mormon Pioneer NHTs. S. 580 would allow for the consideration of these additional alternates and cutoffs by authorizing an update of the original studies done for these four trails to evaluate which are eligible for designation as NHT segments. S. 580 maintains the requirements of the National Trail System Act to work closely with Federal agencies, State, local and tribal governments, local landowners and other interested parties. We anticipate the cost of updating these studies to be approximately \$300,000.

The intent of the National Trails System Act is one of respecting private property rights. Given that historic trails cross public and private lands, the development of strong partnerships is critical to administering and managing the historic trails and achieving preservation of trail resources and interpretation of the trail to the public. The four national trails in this legislation demonstrate existing public and private partnerships.

This concludes my testimony. I would be happy to respond to any questions that you or members of the subcommittee may have.

S. 686

Mr. Chairman and members of the committee, thank you for the opportunity to appear before you to provide the Department of the Interior's views on S. 686, a bill to designate the Washington-Rochambeau Revolutionary Route as a national historic trail.

The Department supports enactment of this bill.

The study report on the Washington-Rochambeau Revolutionary Route, authorized by P.L. 106-473, continues under public review until May 4, 2007. The study has preliminarily concluded that the trail meets the criteria for designation as a national historic trail. Although we normally prefer to complete studies before making a recommendation, the study's central recommendation is unlikely to change this late in the process. The public comment period will determine if any further revisions to the study are required.

S. 686 would amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail across nine states and the District of Columbia. The trail would be administered by the Secretary of the Interior in consultation with other Federal, State, tribal, regional, and local agencies, and the private sector.

The Washington-Rochambeau Revolutionary Route spans over 600 miles from Newport, Rhode Island where French forces under the command of Jean Baptiste Donatien de Viemeur, comte de Rochambeau landed in July 1780, to Yorktown, Virginia where with General George Washington and Continental Army forces, the combined armies forced the surrender of the British Army under General Charles Lord Cornwallis. Historians regard this cooperative endeavor resulting in the Yorktown surrender as one of the most decisive events in bringing the American Revolution to a successful conclusion. It initiated and has had the long-lasting effect of our continued friendship with the people of France.

After wintering in Newport, Rochambeau's army marched through Rhode Island and Connecticut and joined Washington's army in Phillipsburg, New York. Foregoing an attack on New York City, the two generals decided to attack from the south. In August through September, the armies traversed New Jersey, Pennsylvania, Delaware, Maryland, the future District of Columbia, and Virginia, reaching Williamsburg in late September. A French fleet under Admiral DeGrasse blocked the Chesapeake Bay from British entry and the possible escape of British troops at Yorktown. On October 19, 1781, Cornwallis surrendered his forces to those who had suffered the hardships of rebellion and their allies, and ultimately forged the birth of a nation.

In the summer of 1782, Rochambeau's army marched north to Boston and the bulk of his troops sailed to France on Christmas Eve of that year. In this crucial march south and then victoriously north after Yorktown, American and French troops were warmly greeted and celebrated by the populace. In all, nine future states and the future District of Columbia comprised portions of the route and supported the march, providing ports, roads, campsites, officers' lodging, food provisions and supplies.

The extant resources associated with the marches of 1781 and 1782 are well-documented. Comprehensive historical and architectural surveys have identified 750 known resources directly related to the route and many more in adjacent locations. Many resources found along the Revolutionary Route are National Historic Landmarks or sites listed on the National Register of Historic Places. They include campsites and bivouacs; historic road segments and landscapes; numerous buildings used for accommodations of the troops and meetings; archeological resources; tombstones and grave markers; and, abundant plaques, tablets and statues marking the passage of those, both French and American, who marched to secure a nation's beginning.

The proposed trail links units of the National Park System, national heritage areas, and related resources administered by States, local governments and private organizations that commemorate the nation's struggle for independence. As one traverses the Washington-Rochambeau Revolutionary Route, the places that ring of our nation's revolutionary past come into view from Newport to Hartford; Peekskill to Morristown, Princeton, and Trenton; Philadelphia and Valley Forge to Wilmington and Baltimore; and Mt. Vernon to Williamsburg and Yorktown.

S. 686, if enacted, would provide for administration of the Washington-Rochambeau Revolutionary Route National Historic Trail by the Secretary of the Interior and, in accordance with provisions of the National Trails System Act, provide for the establishment of a trail advisory council. The Secretary would also consult with Federal agencies, State and local governments and private organizations to develop a comprehensive management plan for the trail. The cost associated with implementation of the plan could be shared by relevant State and local governments and private organizations, which generally helps to limit Federal expenditures for national trails. The Federal cost to administer this national trail is expected to be phased in, eventually reaching approximately \$200,000 to \$400,000 annually.

Our experience during the course of the study for the trail has indicated that there is wide-spread support for designation among affected State and local governments and the many private organizations that participated in our public meetings

and closely followed the progress of the study. For example, during the study process, a new nine-State nonprofit 501(c)(3) partnership group, the National Washington Rochambeau Revolutionary Route Association, was formed to support designation of the trail and education of the public on the Revolutionary War. This group could be a key partner in the preservation and interpretation of the route if the trail is designated. We believe that this trail, if designated, will be characterized by significant continued participation by the many governments and organizations along the route.

This concludes my prepared remarks, Mr. Chairman. I will be happy to answer any questions you or other committee members may have regarding this bill.

S. 722

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Administration's views on S. 722, a bill to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain lands adjacent to the Walnut Canyon National Monument in the State of Arizona.

The Administration does not object to the enactment of S. 722. In testimony before this subcommittee in the 109th Congress, the Administration also did not object to the enactment of S. 556, an almost identical bill. However, the Administration believes that funding should be directed first toward completing and implementing ongoing studies.

S. 722 would direct the Secretary of the Interior and the Secretary of Agriculture to conduct a study of approximately 31,000 acres surrounding Walnut Canyon National Monument (monument). The bill would direct the Secretaries to utilize a third-party consultant to prepare a draft study and designate a lead agency to conduct the study. The study would evaluate a range of options to manage federal and State lands adjacent to the monument in the long term in order to protect the resources and maintain public use and access to this area of Arizona, as well as the respect the rights of private property owners that are within the study area.

S. 722 would direct the Secretaries, as well as local land managers, the Flagstaff City Council and the Coconino County Board of Supervisors to review and provide the third-party consultant with comments on the draft study. The bill also requires a report that includes findings, conclusions, and recommendations for future management of the study area to be transmitted by the Secretaries to Congress no later than 18 months after appropriations are made available. The bill would authorize \$350,000 to carry out S. 722.

Walnut Canyon National Monument was established on November 30, 1915, by Presidential Proclamation with the specific purpose of preserving the prehistoric ruins of ancient cliff dwellings. The monument was expanded in 1938 and 1996 and now occupies approximately 3,600 acres. The purposes for which the area was originally established have expanded to include protection of natural and cultural resources that are known to be significant to contemporary native tribes and the ecological communities and geological resources that make the canyon an outstanding scenic resource. The monument and the surrounding lands of the Coconino National Forest provide a significant natural sanctuary and greenbelt surrounding the city of Flagstaff.

During the last few years, the National Park Service has been completing a General Management Plan (GMP) for Walnut Canyon National Monument. The final version of the GMP will be released for 30 day public review later this year. Many of the issues identified for resolution in S. 722 are also identified as needs in the GMP including addressing the history of this boundary issue and the planning efforts that area governments have been making that would affect the quality and values of the monument.

For several years, local communities adjacent to the monument have debated how the land surrounding the monument would be best protected from future development. A number of years ago, the Coconino County Board of Supervisors and the Flagstaff City Council passed resolutions concluding that the preferred method to determine what is best for the land surrounding the monument is by having a federal study conducted. Included within the lands to be studied that surround the monument are approximately 2,000 acres of State trust lands. Our understanding is that Arizona law prohibits State lands to be donated and that the Arizona Supreme Court has determined that the Arizona Constitution prohibits the disposal of certain State land except through auction to the highest and best bidder. Should the study's conclusions involve these types of actions concerning State lands, we would have to await a determination on how the citizens of Arizona and their representatives would recommend proceeding.

We understand the concern that National Forest System (NFS) lands between the Monument and the City of Flagstaff might eventually be sold or exchanged originally prompted local support for this proposed study. The proposed study area is within two miles of the campus of Northern Arizona University and is a prime recreation area for students, as well as for Flagstaff area residents. In fact, the area is the second most-used area for recreation in the greater Flagstaff area, behind only the San Francisco Peaks.

In 2003, the Coconino National Forest amended its Land and Resource Management Plan, resulting in a decision to provide for closure of the area to motorized access and to remove the land encircling the Monument from consideration for sale or exchange. The Flagstaff-area Regional Land Use and Transportation Plan (RLUTP), approved by the Flagstaff City Council and the Coconino County Board of Supervisors in 2002, limits growth and does not allow for development within the study area. RLUTP specifically precludes two key sections of Arizona State Trust land between Flagstaff and the Monument as suitable for development. Those lands are identified in the plan for open space and greenways.

Mr. Chairman, I would like to note that since this bill was first introduced, a great deal of cooperative planning work has been accomplished by the National Park Service, U.S. Forest Service, State of Arizona, Coconino County, and the City of Flagstaff to achieve the bill's objectives.

If the Committee moves forward with S. 722, Section 4 may need to be amended to specify that the draft study be available for public comment. Additionally, section 4(e)(2) should also be revised to require the Secretaries to "submit to Congress a report that includes recommendations, if any, for the future management of" certain lands adjacent to the Walnut Canyon National Monument in the State of Arizona, consistent with the Recommendations Clause of the Constitution. We will be happy to work with the Committee on the suggested amendments.

Mr. Chairman that completes my prepared remarks. I would be happy to answer any questions that you or other members of the subcommittee may have.

S. 783

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the Department of the Interior's views on S. 783. This bill would adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve (Park) in Louisiana.

The Department supports S. 783, with a clarifying amendment. The bill contains an expansion of the acquisition authority contained in a legislative proposal transmitted by the Administration in the 108th Congress.

This bill would authorize the Secretary of the Interior (Secretary) to acquire approximately 3,900 acres adjacent to the Barataria Preserve (Preserve) unit of the park that were recommended by a 1996 boundary study. This bill would also authorize the Secretary to acquire approximately 5,000 acres of a historic plantation from willing sellers. These private lands and waters would be added to the boundary of the Preserve only after they are acquired. Acquisition of all the lands and waters authorized by this bill would increase the authorized size of the Preserve from approximately 18,400 acres to approximately 27,300 acres. Finally, the bill would make clarifying amendments to Title IX of the National Parks and Recreation Act of 1978, the legislation that established the park.

The Jean Lafitte National Historical Park and Preserve was established to preserve significant examples of the rich natural and cultural resources of Louisiana's Mississippi Delta region. The park illustrates the influence of environment and history on the development of a unique regional culture. The Barataria Preserve, one of the park's six units and currently consisting of approximately 18,400 acres, is located in Jefferson Parish, about 10 miles south of New Orleans.

The boundary expansion proposed by S. 783 would allow the addition of estuarine and freshwater wetlands to the Barataria Preserve's boundaries, allowing the boundary to more closely conform to existing waterways and levee corridors that mark the interface between developable land and estuarine wetlands. The expanded boundary would also protect wetlands that are part of the Barataria-Terrebonne National Estuary, the most biologically productive estuary in North America and a natural buffer for tropical storm surges. This estuary has experienced the highest rate of land loss of any of our coastal wetlands.

Two of the areas proposed for acquisition—Bayoux aux Carpes and Bayou Segnette—total 3,905 acres and were studied by NPS in 1996 and found to be appropriate and suitable additions to the park. These areas were proposed for acquisition in an Administration legislative proposal forwarded to Congress during the 108th Congress.

Approximately 3,084 of the 3,905 acres in these areas are in federal ownership as the result of the settlements of lawsuits, one by the Department of Justice and one by the U.S. Army Corps of Engineers. S. 783 would transfer these areas to the NPS. Currently, the NPS has constructive possession of the deeds for the 2,268 acres owned by the Department of Justice, but no authority to manage them. The Corps has indicated its willingness to transfer management authority for their 815 acres of lands to the NPS once the Hurricane Protection Levee is complete and an easement is granted to the local levee district along the boundary of the tract. There are also approximately 821 acres of nonfederal land within these areas. All but 86 of those acres are either undevelopable jurisdictional wetlands or state owned highway or levee right-of-ways which could only be acquired by donation. All of the non-federal landowners within Bayou aux Carpes have been contacted about being included within the boundary and none have objected. Several have actively supported inclusion of their property within the proposed boundary.

S. 783 would also allow the Secretary to acquire the 5,000-acre Fleming (formerly Mavis Grove) Plantation. While most of the Plantation is composed of wetlands that would offer recreation and watershed protection, the Plantation also contains a 2,000 year old Native American ceremonial mound, one of the most intact pre-historic sites remaining in the delta region. The Plantation is owned by the Fleming family LLC and individual Fleming family members. A representative for the Fleming family has contacted the National Park Service and members of Congress to encourage that the Plantation be added to the Preserve.

In an Administration proposal submitted to Congress during the 108th Congress, the National Park Service estimated the costs of 821 acres of these private lands. Of the 821 acres, roughly 735 acres were wetlands that had been recently appraised at \$170,000, or less than \$300 per acre. Approximately 86 of these acres were developable, but were accessible only by a dirt road and do not include utilities, highway or waterfront access. These lands are expected to cost \$25,000 per acre, or approximately \$2.1 million for 86 acres. Costs for the Fleming plantation are not available at this time.

No funding has yet been identified for any of the acquisitions proposed in this bill. Funding for any of these purposes would be subject to the budget prioritization process of the National Park Service.

The expanded boundary proposed in S. 783 would also include State-owned highway rights-of-way and State-owned hurricane protection levee properties that run along the current boundary. Although these properties would remain in State ownership, their inclusion within the new boundary would provide opportunities for partnerships between the NPS and the State or its subdivisions for law enforcement and boundary patrol.

Managing the additional lands, consisting of boat patrols conducted with varying frequency, could have an effect on park operational costs. Because the lands would remain undeveloped we estimate that it could cost approximately an additional \$100,000 to manage them. A more accurate budget estimate would depend upon many factors, including the ability of the Park to reallocate resources and future plans for the addition. The addition of the federal properties would not contribute to the maintenance backlog because no facilities would be added and the federal lands would be acquired by direct transfer and would not involve acquisition costs other than those to process the transfer.

The NPS has had extensive consultations with local governments and taken appropriate steps to increase public awareness on the proposed actions in S. 783. In 1999, both the Jefferson Parish Council and the Village of Jean Lafitte adopted resolutions that support the Federal land transfers.

S. 783 would also amend Title IX of the National Parks and Recreation Act of 1978 to make corrections in the name of the park and the Barataria unit and amend several provisions that are obsolete or need clarification, including removing references to a "Park Protection Zone" that was never established by local or State government.

S. 783 appears to modify the authority given to the Department by the 1978 act that authorized the park. The Department would like to work with the committee to make certain that acquisition authority within the existing Preserve remains consistent with the 1978 act, and that boundary adjustment language is consistent with bills in previous Congresses.

Mr. Chairman, that completes my testimony. I would be pleased to answer any questions you or other members of the subcommittee may have.

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 890, a bill to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission.

The Department has no position on S. 890 as it involves providing administrative and support services for an established congressional commission by the General Services Administration (GSA) rather than the Department of the Interior. We understand that the Department of Justice may have concerns with certain provisions on volunteer services in S. 890 that could significantly expand the potential for Federal tort liability and will advise the Committee of those concerns in the near future.

The Dwight D. Eisenhower Memorial Commission (Commission) is a congressional commission established by Section 8162 of Public Law 106-79 on October 25, 1999. S. 890 would amend Section 8162 to update the powers of the Commission and provide additional staff and support services to assist the Commission in performing its duties and responsibilities. The bill would require the GSA to provide administrative services on a reimbursable basis. It also would allow the Commission to use all contracts, schedules, and acquisition vehicles allowed to external clients through the GSA.

In January 2002, the Commission's authorization was amended by Public Law 107-117 to require that the memorial to Dwight D. Eisenhower be established pursuant to the provisions of the Commemorative Works Act. Public Law 109-220, enacted in May 2006, authorized the memorial to be constructed on a site within Area I as Dwight D. Eisenhower is deemed to be of "preeminent historical and lasting significance to the Nation." As a result of an alternative site study completed in 2006, the National Park Service, the Commission of Fine Arts and the National Capital Planning Commission have all approved a site south of Independence Avenue near its intersection with Maryland Avenue, which was identified in the Memorials and Museums Master Plan as Prime Candidate Site suitable for a presidential memorial. The next step is for the Commission to select a design concept in accordance with guidance contained in the site approval and to submit it for review by the Secretary of the Interior, the Commission of Fine Arts and the National Capital Planning Commission.

During his term, President Eisenhower created the National Interstate Highway System, which remains a critical component of U.S. infrastructure today. Eisenhower also is credited with proposing and signing into law the Civil Rights Acts of 1957 and 1960, and striving to make the District of Columbia a model for the nation in racially integrating public schools. He created the precedent for the proposed National Parks Centennial Initiative by initiating a comprehensive ten-year program, Mission 66, to restore and improve National Parks to meet the needs of a public increasingly interested in the great outdoors.

The Department supports the work of the Commission and is willing to assist them throughout the process of establishing an appropriate permanent memorial to Dwight D. Eisenhower, the 34th President of the United States.

That concludes my testimony, I would be glad to answer any questions that you or other members of the subcommittee may have.

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on H.R. 1047, a bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System.

The Department opposes H.R. 1047, which is identical to legislation the Department opposed in the 109th Congress. While it is an architecturally beautiful structure, the St. Louis Soldiers' Memorial (Memorial) is not distinguished beyond that of many other war memorials in cities all over the United States. The Memorial is currently listed as eligible for the National Register of Historic Places, but at this time has not been nominated. Therefore, it is not known whether it meets the criteria for national significance, which is the minimum standard a memorial must meet for inclusion in the National Park System. Finally, in a time of tight budgets and a refocusing on the core mission of the National Park Service, we believe that funding should be directed toward completing previously authorized studies.

The Soldiers' Memorial is a tribute to and a cultural resource center for all veterans located in the greater St. Louis area, including southern Illinois. In 1923, the residents of St. Louis voted to purchase a memorial plaza and construct a memorial

to commemorate the citizens of St. Louis who lost their lives in World War I. A seven-block site was purchased and the construction of the Soldiers' Memorial began on October 21, 1935. President Franklin D. Roosevelt officially dedicated the site on October 14, 1936 and the building was opened to the public on Memorial Day in 1938. H.R. 1047 would authorize a study of the Soldiers' Memorial Military Museum at 1315 Chestnut Street in the greater St. Louis area to determine its eligibility to become a unit of the National Park System. The study would be conducted in accordance with the criteria contained in Section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

Mr. Chairman, this concludes my prepared testimony. I would be pleased to answer any questions you or the subcommittee may have.

Senator AKAKA. Thank you very much, Mr. Wenk for your testimony here and your comments on all of the bills on behalf of the Department.

Let me begin with S. 169 and S. 540, the two trail bills that have been before this committee many times before. Just to make sure the record is clear; the administration supports both bills, although you are recommending clarifying amendments for S. 169. Is that correct?

Mr. WENK. That is correct.

Senator AKAKA. I have a question on S. 722, the Walnut Canyon Study bill. This bill is somewhat unusual in that it requires that the study be conducted by a third-party consultant instead of having the two agencies undertake the study.

Do you support this third-party requirement? Is there a substantive difference having the study prepared by an outside party?

Mr. WENK. We do support the third-party preparation of the statement. We believe that the concern that has led to this provision is that both the United States Forest Service, or the Department of Agriculture, and Department of Interior manage lands.

A third party would provide an unbiased recommendation in terms of how this should move forward. Certainly, the Secretaries would have to determine which of the two agencies would be the entity that would contract for the study, but it would provide, if you will, an unbiased recommendation to the Secretaries for then a recommendation to Congress.

Senator AKAKA. Thank you. One of the witnesses appearing on the next panel will testify that the Park Service has made a mistake on not having the Washington-Rochambeau Trail run through Dobbs Ferry, New York. Do you know why Dobbs Ferry was excluded, and do you have any opinion on whether the proposed trail route should be modified to encompass it?

Mr. WENK. First of all, I do not believe that it was excluded. It was not shown on the map. Dobbs Ferry is a recognized site that is associated with the historic trail. It's referenced within the study that has been done, and I believe that we believe it is a contributing element within the Washington-Rochambeau trail.

Senator AKAKA. With respect to S. 783, the Jean Lafitte boundary expansion in Louisiana, the bill proposes to add a 5,000-acre parcel known as the Fleming Plantation. Do you support this area being added to the park?

Mr. WENK. Yes, we do. We believe that it meets the criteria for addition to the preserve, yes.

Senator AKAKA. I understand that the Department is not taking a position on S. 890, since it involves the GSA, and not the National Park Service.

Can you tell me, Mr. Wenk, whether any of the other groups authorized to build a memorial under the Commemorative Works Act have been given authority to hire Federal employees, as is being proposed for the Eisenhower Commission?

Mr. WENK. There are Federal employees under the American Battle Monuments Commission, which, for example, constructed the World War II Memorial.

Also there were Federal employees that were used for planning the design services on such places as FDR Memorial and the Korean War Veteran's Memorial.

Senator AKAKA. With respect to H.R. 1047, the Soldiers' Memorial Study, you said you don't know whether the site is nationally significant. Isn't that one of the primary reasons for the study, to determine whether the site is nationally significant?

Mr. WENK. Typically, on these kinds of sites, there would be a determination. It is listed as eligible for the National Register of Historic Places, but it has not been nominated; it does not yet have a sponsor. Typically, we would consider it only after that eligibility or nomination had been determined.

Senator AKAKA. Thank you for your responses.

Senator THOMAS.

Senator THOMAS. Thank you. Going back to the National Trail System Willing Sellers thing: nine trails are addressed in there. How much land needs to be added as a result of the nine trails?

Mr. WENK. There may be no land added, sir, as a result of this amendment. What it provides for is protection of the trails that currently is not afforded to us.

Currently we do not even have the opportunity to accept donations or easements because we're prohibited in spending funds that would be required for the surveys, title searches, etc. So it would just allow us the opportunity to put under protection the same opportunities for many other of the trails.

Senator THOMAS. Why is it called Willing Seller?

Mr. WENK. Because this would only be done with willing sellers.

Senator THOMAS. I understand, but I'm saying how much land are you looking to acquire?

Mr. WENK. We're not looking to acquire. It is, if a willing seller came to us and said that we would like to ensure the long-term protection of this, we would then have the ability to purchase, if they wanted us.

Senator THOMAS. So you don't have any idea of what could be involved there in terms of having to purchase?

Mr. WENK. No, we do not.

Senator THOMAS. I see. Okay. Do you have any plan to ensure the protection of multiple-use activities within the view shed?

Mr. WENK. This would allow us the opportunity to work under, to work with easements that would, on the scenic trails—that would provide the opportunity to protect view sheds.

Senator THOMAS. Okay. So, you don't have any involvement in the Eisenhower Memorial Commission then?

Mr. WENK. No, we do not. The site that's been designated would be under National Park Service jurisdiction, so the ultimate management and operation of the site would be the National Park Service.

Senator THOMAS. The development, however, would be GSA.

Mr. WENK. That is correct.

Senator THOMAS. I see. Okay, well, fine. On this Washington-Rochambeau Revolutionary Route, did you receive comments that the route be modified to reflect a more adequate interpretation of the route?

Mr. WENK. The public comment period is still ongoing, Senator Thomas. So on May 4, that public comment period ends and we will then evaluate the comment. I know that we believe it meets the criteria for designation. I do not know yet what all the comments are from the public.

Senator THOMAS. I see. Okay. Thank you. Thank you, Mr. Chairman.

Senator AKAKA. Thank you, Senator Thomas.

Senator Landrieu, any statement or questions you may have.

Senator LANDRIEU. Thank you, Mr. Chairman, I do. I'm pleased, though, for this panelist to finish. Then in the next panel I wanted to introduce one of the Mayors from Louisiana, so I'm fine to wait a few minutes. Thank you.

Senator AKAKA. Fine. Thank you. We're happy to have you, Senator Landrieu. With that do we have further questions?

Well, I want to thank you very much for your responses here to this committee and thank you for being here.

Mr. WENK. Thank you, Mr. Chairman.

Senator AKAKA. Now I call up our second panel. Before we begin with this panel, I'd like to introduce the panel members: they are Honorable Timmy Kerner, mayor, Lafitte, Louisiana, Brigadier General Carl Reddel, executive director, Eisenhower Memorial Commission, Kim Burdick, national chairman, National Washington-Rochambeau Revolutionary Route Association, Rockland, Delaware, Linda Borkow, Dobbs Ferry Historical Society, Dobbs Ferry, New York, Gary Werner, executive director, Partnership for the National Trail System, Madison Wisconsin, James P. Brown, Washington office director, city of St. Louis, Washington, DC.

I want to welcome all of you for coming here to testify today. So that we have enough time to hear all of the testimony and have time for questions afterwards, I'd like to ask each witness to please summarize their testimony and to please limit your remarks to no more than 5 minutes. Your complete statements will be included in the record along with any other materials you may submit.

So our first witness is Mayor Kerner from Lafitte, Louisiana and let me turn to Senator Landrieu for an introduction.

Senator Landrieu.

Senator LANDRIEU. Thank you, Senator Akaka. I want to give a warm Louisiana welcome to Mayor Timmy Kerner, who's a good friend and a wonderful leader and public servant in Louisiana, who has led this small but vibrant community we call, Down the Bayou, from New Orleans. He is here to testify about a change to a bill that I introduced several years ago, and I look forward to working with him, and I'm very supportive of that change and expansion.

He's going to give some more details about it, but it basically transfers not only additional land, but, Mr. Chairman, a very historic site of an old sugar plantation site to be part of the Jean Lafitte Barataria National Park. This is an area not too far from the

city of New Orleans, but it's a very, very famous and very old and very historic site.

So, I just wanted to thank the mayor for being part of the panel and Timmy, welcome and thank you also for your great work on the hurricane protection and levees. The city that this mayor runs is in jeopardy, is vulnerable, like many cities in the southern part of Louisiana, and the more we can preserve the wetlands, Mr. Chairman, and the more we can build these levees, the safer people will be in Jean Lafitte.

So, I just wanted to welcome him and welcome the other panelists as well. Thank you.

Senator AKAKA. Thank you, Senator Landrieu.

Now may I call first on Mayor Kerner.

**STATEMENT OF TIMOTHY KERNER, MAYOR, JEAN LAFITTE, LA**

Mr. KERNER. Good afternoon, Mr. Chairman and distinguished members of the committee. Today I come before you to speak in support of S. 783, the Jean Lafitte National Historical Park and Preserve Boundary Adjustment Act of 2007.

This bill is important to the town of Jean Lafitte, Louisiana because it will allow the Lafitte National Historic Park to acquire the Fleming-Berthoud Plantation, which is located within the town of Jean Lafitte.

It is my opinion that placing the plantation within the management authority of the National Park Service is the best means of ensuring that this historic site will be preserved for generations to come.

The Fleming-Berthoud Plantation is one of the southernmost early sugar plantations. It surrounds a 1,000-year-old prehistoric Indian mound and a historic cemetery on the edge of Bayou Barataria. Both are very important points of interest.

The cemetery is located where many, many members of our town's historic families have been laid to rest for more than a century. It has been photographed many times for different publications and has been used as a backdrop for many motion pictures.

The buildings on the plantation such as the home, a cottage, the blacksmith shop and several other buildings are in poor condition, but can be restored to its original grandeur and become another point of interest for a community that is rebounding from Hurricanes Katrina and Rita.

Acquisition and preservation of this magnificent location would not only enhance tourism in the area, I believe that it will also spur substantial tourism interest in the region and thereby help to create much needed jobs for local citizens.

The Fleming-Berthoud Plantation is an important historical location in the Town of Jean Lafitte and I feel that this bill is very important for the town and for Louisiana. You will be approving the preservation and the possible restoration of important pieces of culture and history of our State.

Mr. Chairman, that's all I have to say. I'll be ready to answer any questions to the best of my ability to help this project and this bill pass. Thank you.

[The prepared statement of Mr. Kerner follows:]

## PREPARED STATEMENT OF TIMOTHY KERNER, MAYOR, JEAN LAFITTE, LA

Good afternoon Chairman Bingaman, Ranking Member Domenici and distinguished members of the Committee. Today, I come before you to speak in support of S. 783, The Jean Lafitte National Historical Park and Preserve Boundary Adjustment Act of 2007. This bill is important to the town of Jean Lafitte, Louisiana because it will allow the Jean Lafitte National Historic Park to acquire the Fleming—Berthoud Plantation, which is located within the Town of Jean Lafitte.

It is my opinion that placing the plantation within the management authority of the National Park Service is the best means of ensuring that this historic site will be preserved for generations to come.

The Fleming-Berthoud Plantation is one of the southernmost early sugar plantations. It surrounds a 1,000-year-old prehistoric Indian mound and a historic cemetery on the edge of Bayou Barataria. Both are very important points of interest. The cemetery is the location where many members of our town's historic families have been laid to rest for more than a century. It has been photographed many times for different publications and has been used as a backdrop for many motion pictures.

The buildings on the plantation such as the home, a cottage, a blacksmith shop, and several other buildings are in poor condition, but can be restored to its original grandeur and become another point of interest for a community that is rebounding from Hurricanes Katrina and Rita.

The acquiring and preservation of this magnificent location would not only enhance tourism in the area, I believe that it will also spur substantial tourism interest in the region and thereby help to create much needed jobs for local citizens.

The Fleming-Berthoud Plantation is an important historical location in the Town of Jean Lafitte and I feel that this bill is very important for the town and for Louisiana. You will be approving the preservation and possible restoration of important pieces of the culture and history of our state.

Mr. Chairman, this concludes my statement. I will be happy to answer any questions you may have to the best of my ability. Thank you.

Senator AKAKA. Thank you very much, Mr. Mayor.  
Now we'll here from Brigadier General Reddel.

**STATEMENT OF BRIGADIER GENERAL CARL W. REDDEL, USAF,  
RETIRED, AND EXECUTIVE DIRECTOR, DWIGHT D. EISENHOWER  
MEMORIAL COMMISSION**

General REDDEL. Mr. Chairman, Senator Thomas, Senator Landrieu, I'm the executive director of the Eisenhower Memorial Commission.

As you've learned from the testimony individually submitted by our chairman, Rocco Siciliano and our vice chairman, Senator Inouye, the memorialization of President Eisenhower has progressed rapidly during the past year-and-a-half and this proposed legislation would be very helpful to keep it moving forward.

We have a fully-approved site for the memorial just off the National Mall across the street from the National Air and Space Museum at the intersection of Maryland and Independence Avenues.

It's the Commission's view that now that it knows where the memorial will be, it's time to decide what the memorial will be. We are entering the design phase of President Eisenhower's memorialization.

The Commission was created by Congress in 1999, and fully appointed in 2001. The Commission is completely bi-partisan, made up of four Senators, four Representatives and four private citizens; one of our Commissioners, Susan Banes Harris, is with us today.

Three of our Commissioners are World War II veterans—Senator Inouye, Senator Ted Stevens, Rocco Siciliano—and they give us a direct generational link to Ike.

During the 46 years since he left office in 1961, the appreciation of Ike's legacy has grown steadily, especially during the past quarter century. At the beginning of the 21st century, 132 preeminent professors of history, law and political science, rated him ninth among all Presidents and grouped him with the near-great Presidents, after the great Presidents, Washington, Lincoln, and FDR.

The Eisenhower Memorial will be the seventh national memorial in the Nation's Capital. The preeminent location of the memorial is consistent with Eisenhower's legacy as a historical figure of major importance in the 20th century. The approved site is surrounded by institutions related to his leadership, the Federal Aviation Administration, the Department of Education, the Department of Health and Human Services, the Voice of America and the National Air and Space Museum.

The Commission's challenge is to bring this superb location together with his extraordinary legacy. The Commission's staff organization and administrative authority need to be adjusted now to the design and construction of the memorial.

Our organization is made up of the small number of contracted specialists and part-time hires, and this does not meet the design and construction needs. The proposed legislation will enable the Commission to hire temporary Federal employees instead of contract consultants, simplifying staffing, administration, and covering the liability of these employees.

It will also enable our executive architect to adequately represent the Commission. We've prepared this proposal in close coordination with legal counsel from the agency liaison division of GSA, and GSA concurs that this provides the standard authority that is typically granted to temporary commissions such as ours.

As we shift from a project planning mode to a design and construction mode, personal and professional liability become a major issue. As the designs are developed and prepared for the memorial, our commissioners and staff become vulnerable to potential lawsuits arriving from a memorial's design and construction.

The current contracted staff is not covered by liability insurance. If the Commission is allowed to hire Federal employees, the need for the employees to procure additional insurance coverage simply ceases. Providing this coverage to the Commission's staff by converting them to Federal employees incurs no direct increased cost and is the most cost-effective resolution.

We seek to hire employees whose classification is categorized as administratively determined. This means that these employees may be terminated when their services are no longer required by the Government and without the Government having any ongoing obligation to those employees.

With this type of hiring authority, the Commission's dissolution upon completion of the memorial will be ceased. It will be ceased. Simply put, we wish to put ourselves out of business as quickly as possible.

Explicit safeguards are written into the legislation to ensure salaries for the Commission's employees are kept within comparable general scale pay schedules.

A major construction project demands professional services of experience and skilled engineers and architects. The proposed legisla-

tion enables the Commission to delegate authority to the executive architect to oversee the management of technical issues on a daily basis in the Commission's behalf. The Commission would retain full site responsibility and final approval of all matters.

That concludes my testimony. I'd be happy to answer any questions that you have associated with that testimony.

[The prepared statement of General Reddel follows:]

PREPARED STATEMENT OF BRIGADIER GENERAL CARL W. REDDEL, USAF, RETIRED,  
AND EXECUTIVE DIRECTOR, DWIGHT D. EISENHOWER MEMORIAL COMMISSION

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to appear before you today as the Executive Director of the Dwight D. Eisenhower Memorial Commission. As you have learned from the testimony individually submitted by our Chairman, Mr. Rocco C. Siciliano, and our Vice Chairman, Senator Daniel K. Inouye, the memorialization of President Eisenhower has continued to progress very rapidly during the past year and a half. The proposed legislation (S. 890) is a vitally necessary contribution to the Commission's ability to continue moving forward.

This is a moment of heightened anticipation for everyone who understands the legacy of President Eisenhower. We now know where the National Eisenhower Memorial will be: on a fully approved site just across the street from the National Air and Space Museum at the intersection of Maryland and Independence Avenues, SW. It is now time to decide what the memorial will be. As we enter the design phase of President Eisenhower's memorialization, the legislation you have before you will prove vital to achieving that goal.

Created by Congress in 1999 and fully appointed in 2001, the Commission is completely bipartisan and consists of four Senators, four Representatives, and four private citizens. It is notable that three of our Commissioners are decorated World War II veterans—Senator Daniel K. Inouye, Senator Ted Stevens and Rocco C. Siciliano. They provide a direct generational link to Ike. The law states that “. . . an appropriate permanent memorial to Dwight D. Eisenhower should be created to perpetuate his memory and his contributions to the United States,” and further directs that “the Commission shall consider and formulate plans for such a permanent memorial to Dwight D. Eisenhower, including its nature, construction and location” (Public Law 106-79).

The appreciation and understanding of President Eisenhower's legacy has grown steadily during the 46 years since he left office in 1961, especially during the past quarter century. At the beginning of the 21st century, 132 prominent professors of history, law and political science rated him 9th among all presidents and grouped him with the “near great” presidents, after the “great” presidents—Washington, Lincoln and FDR. In January 2007, it was revealed that former President Ford considered Eisenhower “the best president of his lifetime.” Honoring his legacy with a permanent national memorial is a just and fitting tribute to a man whose impact is felt by every living American. The National Eisenhower Memorial will be the seventh national presidential memorial in the nation's capital.

The preeminent location of the memorial is consistent with President Eisenhower's legacy as a historical figure of major national and international significance in the 20th century. The approved site is surrounded by institutions related to his presidential leadership, including the Federal Aviation Administration, the Department of Education, the Department of Health and Human Services and the National Air & Space Museum. Bringing the location and the legacy appropriately together is the challenge now before the Commission.

The Commission's staff organization and administrative authority need to be adjusted in order to address the design and construction needs of the memorial. The existing organization, made up of a small number of contracted specialists and part-time hires, does not meet our future needs. The proposed legislation will enable the commission to hire temporary federal employees instead of contract consultants, simplifying staffing administration and covering the liability of its employees. This legislative proposal was developed in close coordination with Legal Counsel from the Agency Liaison Division of the General Services Administration. While addressing the specific needs of the Eisenhower Memorial Commission, the proposed legislation provides the powers historically granted temporary commissions.

As we shift from a project planning mode to design and construction, personal and professional liability becomes a major issue. The previous work of the Commission in the areas of site selection and site approval meant that liability was not a major

issue. Today it is. As designs are developed and approved for the memorial, however, all of our commissioners and staff become vulnerable to potential lawsuits arising from the design and construction of the memorial. Our current contracted staff is not covered by liability insurance. Prudence dictates they acquire such insurance as we transition to construction-related activities.

The cost for this insurance is significant, as is the period of time that coverage must be maintained. To adequately protect themselves, our staff members would be required to keep these policies in effect for a period of ten years after the memorial is completed. The costs of these policies would be passed on to the government in the form of increased fees for their services charged by all the consulting contractors retained by the Eisenhower Memorial Commission.

By hiring temporary federal employees, the need for the employees to procure additional insurance coverage simply ceases. As with all other federal employees, the Commission's employees would also be protected under the Federal Tort Claims Act. Because the cost of this legal counsel is already borne by the federal government, it is a "sunk cost." Providing this coverage to the Commission's staff by converting them to temporary federal employees would incur no direct increased cost and would in fact be the most cost effective way to resolve this issue.

We seek to hire employees under the provisions of Schedule A. Schedule A federal employees may be terminated when their services are no longer required by the government. This occurs without the government incurring any ongoing obligation to those employees. With Schedule A hiring authority, the Commission's dissolution upon completion of the memorial will be eased.

Explicit safeguards are written into the legislation to ensure salaries for the Eisenhower Memorial Commission's Schedule A employees are kept within comparable General Schedule pay scales. By hiring Schedule A employees we enhance staff stability and continuity. More importantly, we eliminate the time-consuming and costly process of annual contract submission, renewal, and approval for the majority of the staff. The Commission also retains the ability to continue to contract for specialized services where it is cost-effective.

A major construction project demands the professional services of experienced and skilled engineers and architects—especially a prominent project located in the Nation's Capital. The proposed legislation enables the Commission to delegate authority to the Executive Architect to oversee the management of technical issues on a daily basis in the Commission's behalf. The commission retains full oversight responsibility and final approval of all matters.

It is anticipated that the completion of the National Eisenhower Memorial will dramatically improve the nondescript area now serving as a forecourt to the Department of Education. It will provide major civic space near the most visited museums in the United States. Its proximity to the Nation's Capitol and its striking vista of the Capitol itself will enhance the presentation of our nation to many of its citizens and numerous foreign visitors alike. Honoring this great American honors all of us. The proposed legislation enables us to work most effectively toward that goal.

I thank you for the opportunity to testify in behalf of the proposed legislation to support the memorialization of the President Dwight D. Eisenhower, Supreme Allied Commander of the Allied Forces in World War II and subsequently the 34th President of the United States.

Senator AKAKA. Thank you very much, General Reddel.  
Kim Burdick.

**STATEMENT OF KIM BURDICK, NATIONAL CHAIRMAN, NATIONAL WASHINGTON-ROCHAMBEAU REVOLUTIONARY WAR ROUTE ASSOCIATION, ROCKLAND, DE**

Ms. BURDICK. Thank you, Senator Akaka. I bring you greetings from volunteers in nine States and the District of Columbia, and many of them are here. Please stand so they can see everybody from W3R and also to our friends from Dobbs Ferry.

Senator AKAKA. Thank you for being here.

Ms. BURDICK. Dobbs Ferry proves my point, which is that everybody wants to be part of the action. We love the Washington-Rochambeau Revolutionary Route and their very carefully prepared testimony and history is a great testament to the power and magic of this route.

We are strongly in favor of S. 686 and H.R. 1286 ensuring the creation of the Washington-Rochambeau National Historic Trail. It's a many-faceted jewel. It's patriotic. It's educational. It's an economic development tool and it's a heritage tourism dream.

The W3R is a positive and healthy environmental conservation and heritage stewardship project. This historic trail follows old roads and old towns and cities and it can easily partner with greenways and blueways.

The W3R basically needs no extra land. It has local, county and State government assistance and international support. It extends an olive branch to France, and it pleases old history teachers, like myself. It is a wonderful project and it is a legacy we wholeheartedly ask you to embrace.

The Washington-Rochambeau National Historic Trail traces a 685-mile route that thousands of allied American and French Revolutionary War soldiers and their baggage train followed to defeat the British at the Battle of Yorktown.

Beginning in Newport, Rhode Island, these Allied troops followed the King's highway and unpaved rural roads south through nine States, through Connecticut, New York, including Dobbs Ferry, New Jersey, Pennsylvania, Delaware, Maryland, and the then-not-yet-created, District of Columbia into Virginia.

The soldiers relied on the kindness, the patriotic fervor and sometimes the avarice of American citizens it encountered along the way. Their success at the Battle of Yorktown resulting in the British surrender of General Cornwallis on October 19, 1781, marked the unofficial end of the American Revolution.

After the Battle of Yorktown these intrepid souls walked back home, ending their trek in Boston on Christmas Eve 1782, when the remaining French soldiers sailed home.

W3R USA members know the National Park Service with its expertise, its technical services and its professional strength and organizational ability is needed to help make this National Historic Trail an enduring source of national pride.

We know, and the employees of the National Park Service know, that people are fascinated by this national historic trail and that Americans love walking in the footsteps of history.

We know because we created it. We have people here who actually walked all the distance, 685 miles last year, stopping at Congress, and also at Walter Reed Hospital to visit the soldiers.

We know because we have done special 225th anniversary projects in every State, and I have with me Marilyn Whittington, the Executive Director of the Delaware Humanities Forum, who can tell you how very well we leverage money, tiny bits of money, to create magnificent programs to bring a line on a map alive.

W3R volunteers in each State work together using their own resources, their own grocery money, to put on these programs, these public events. In Delaware, we've had a "Hike the Pike" Day where an 80-year-old man walked the 10 miles of the first leg of our stretch of the route in 140 minutes and lived to tell the tale.

This creation of this national historic trail is a good tangible way to show the citizens that government officials are indeed proud to be Americans and proud of American history.

In the process of planning and preparing 225th Yorktown Campaign Anniversary Celebrations in all nine States and DC, our volunteers learned that grass roots citizens of both parties were disturbed that the leaders seemed to blow off America's 225th Anniversary.

We learned that most Americans are interested in real stories about American history—ordinary citizens, gas station attendants, grocery clerks, school teachers, insurance salesmen, artists, writers, State and county policemen and national guardsmen took matters into their own hands. They joined together to help W3R USA mark America's 225th Anniversary.

Your constituents made the W3R come alive—local, county and city governments in the nine W3R States and DC, and France—contributed time, money and volunteers to this effort.

Some of the projects are very sophisticated; others were simple acts of love. There was no real money for this; we just did it.

Historic house museums and private homes opened their doors for lectures and tours. Special Rochambeau dinners and colonial balls were held. Jack Jouette's ride across Virginia was recreated and Rhode Island and the President of the Naval War College gave a heartwarming 225th Anniversary speech in French and David McCullough spoke from the heart of the important role of the French soldiers and the French citizens of the 13 colonies played in fighting for our independence.

I personally have been very touched and humbled by the interest and enthusiasm, the passion that people in these small villages and towns along this nine-State route have for this project.

I am delighted to have had this opportunity to address you, and I most sincerely ask you to join in this constituent-pleasing endeavor. This is a National Historic Trail like no other. It comes to you with its own fan club. Thank you very much.

[The prepared statement of Ms. Burdick follows:]

PREPARED STATEMENT OF KIM BURDICK, NATIONAL CHAIRMAN, NATIONAL WASHINGTON-ROCHAMBEAU REVOLUTIONARY WAR ROUTE ASSOCIATION, ROCKLAND, DE

The National Washington-Rochambeau Revolutionary Route Association (W3R-USA) strongly supports SB 686 and HR 1286, ensuring the creation of the Washington-Rochambeau National Historic Trail. The W3R is a many-faceted jewel. It is patriotic. It is educational. It is an economic development tool. It is a heritage tourism dream.

The W3R is a positive and healthy environmental conservation and heritage stewardship project. This historic trail follows old roads in old towns and cities and can easily partner with greenways and blueways. The W3R needs no extra land. It has local, county and state government assistance and international support. It extends an olive branch to France and pleases old history teachers like me! It is a wonderful project and it is a legacy that we ask you to whole-heartedly embrace.

The Washington-Rochambeau National Historic Trail (W3R) traces the 685 mile route that thousands of allied American and French Revolutionary War soldiers and their baggage train followed to defeat the British at the Battle of Yorktown. (See pages 4, 5, 6.)\*

Beginning in Newport Rhode Island, these allied troops followed the Kings Highway and unpaved rural roads south through nine states, through Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the then not-yet-created District of Columbia, into Virginia, relying on the kindness, the patriotic fervor and sometimes the avarice of the American citizens they encountered along the way. Their success at the Battle of Yorktown, resulting in the surrender of British Gen-

\*Graphics in this document have been retained in Committee files.

eral Cornwallis on October 19, 1781, marked the unofficial end of the American Revolution.

After the Battle of Yorktown, these intrepid souls walked back home, ending their trek in Boston on Christmas Eve 1782 when the remaining French soldiers sailed home.

W3R-USA members know that the National Park Service, with its expertise, its technical services, and its professional strength and organizational ability, is needed to help make this national historic trail an enduring source of national pride.

We know, and the employees of the National Park Service know, that people are fascinated by this National Historic Trail, and that Americans love walking in the footsteps of history. The board members and volunteers of the W3R-USA know from first-hand experience that creating this National Historic Trail is both a feasible and a reasonable project.

We know, because we have worked on W3R projects in all nine states and DC, that this is a great project—a real constituent pleaser—and we ask you, most sincerely ask you, the members of United States Senate, our Congress, to authorize this National Historic Trail. We ask you to help us give this 225th anniversary legacy from the past, and the present, to the future—to your children and grandchildren; our children and grandchildren, to the seventh-generation to come.

Our organization, W3R-USA, is a non-profit 501 c-3, created specifically to celebrate and communicate the importance of the march of the allied American and French soldiers of the Yorktown Campaign. Since before 9/11, W3R members have worked on special projects, seminars, symposiums, re-enactments, wreath-layings, 18th century concerts and dances, all geared to making this historic trail come to life. We spend our grocery money, our very middle-class paychecks, and all our spare time, breathing life into this magical story. Some of us have already walked the route.

In 2004, Lee Patrick Anderson, historian at Fort Mifflin, Pennsylvania walked the W3R from Newport, Rhode Island to his home in Mullica Hill, New Jersey. In 2005 W3R-DE sponsored a “Hike the Pike” Day with people walking the first leg of Delaware’s W3R Revolutionary Route. Sig Helstrom, an 80-year-old man from Graylyn Crest, Delaware, walked the “Hike the Pike”’s ten mile route in 140 minutes. In 2006, Mike Fitzgerald, Dave Holloway and David Fagerberg walked all 685 miles, from Newport, Rhode Island to Yorktown, Virginia, arriving in time for the 225th Anniversary of the Yorktown Campaign. Boy Scouts in Rhode Island and other states, college students, and interested persons along the Route joined the marchers from time to time, sometimes marching the W3R across their home states, sometimes walking for many days, then going back to work, only to rejoin the marchers in another state.

W3R volunteers in each state welcomed the marchers as they crossed over each state’s borders, local residents hung breathlessly on their words as they told about their adventures and misadventures; the towns and cities held celebrations, parties and dinners celebrating both the historic march and the contemporary marchers; and we are currently hoping to raise enough money to produce a documentary film about their journey.

The creation of this National Historic Trail is a good, tangible way to show the citizens that Government officials are, indeed, proud to be Americans and proud of American history. In the process of planning and preparing 225th Yorktown Campaign anniversary celebrations in all nine states and DC, we learned that the grassroots citizens of both parties have been very disturbed that our leaders seemed to blow off America’s 225th anniversary. We learned that most Americans are interested in the real stories about American history. Ordinary citizens, gas-station attendants, grocery clerks, school teachers, insurance salesmen, artists, writers, state and county policemen and national guardsmen took matters into their own hands. They joined together to help W3R-USA mark America’s 225th anniversary. The constituents made the W3R come alive. Local, city, county, and state governments in the nine W3R states, DC, and France contributed time, money and volunteers to this effort. Some of the projects were very sophisticated; others were simple acts of love.

Historic house museums and private homes opened their doors for lectures and tours. Special Rochambeau dinners and colonial balls were held. Jack Jouette’s ride across Virginia was recreated. W3R volunteers began to wear matching scarves and neckties to show solidarity. French Ambassador Levitte and Consul General Alex-Lyoudi were honored guests in every one of these states, and faithfully attended wreath-layings, commemorative events, wayside marker dedications, and wine and cheese parties. The President of Rhode Island’s Naval War College gave a heartwarming 225th Anniversary speech in French, and David McCullough spoke from

the heart of the important role that the French soldiers-and the French citizens of the thirteen colonies played in fighting for our independence.

A poor black lady in Wilmington humbly offered the marchers money for a cup of coffee, another who saw them marching through her neighborhood offered to make them a pancake breakfast. An Italian-American woman spent all day making them homemade soup because she knew they were cold, wet and hungry. A first-generation American from Scotland wrote a marching tune for America's 225th anniversary.

An artist from Scotland, Connecticut is painting 100 wall-sized canvases that illustrate the story of the allied French and American troops, illustrating the scenes along the 685 mile route with love and good cheer. Black Patriots from across the nation attended a Delaware Humanities Forum conference in north Wilmington, to discuss the roles their own ancestors had played in the American Revolution; a Rochambeau re-enactor living in the State of Washington criss-crossed the country repeatedly to participate in activities all along this 685 mile route.

I, personally, have been very touched and humbled by the interest and enthusiasm, the fun and the frustration, of working on the Washington-Rochambeau Revolutionary Route. It has been a beautiful and a heart-warming experience for me, a history teacher, and a mother; a descendant of Revolutionary War soldiers, and, a person of French descent, to see this project come together.

I am delighted to have had this opportunity to address you, and I most sincerely ask you to join us in this constituent-pleasing endeavor. This is a National Historic Trail like no other. It comes to you with its own fan club!

Thank you all very much for all you do, every day, for the citizens of the United States of America.

Senator AKAKA. Thank you very much, Kim.  
Linda Borkow.

**STATEMENT OF LINDA BORKOW, DOBBS FERRY HISTORICAL SOCIETY, DOBBS FERRY, NY**

Ms. BORKOW. Thank you. Does everybody have a packet that should have been distributed, which I'm going to refer to as I speak, this packet, with a colored map on the front?

Senator AKAKA. That will be included in the record, Linda Borkow.

Ms. BORKOW. Thank you, Mr. Chairman and members of the committee.

My purpose today is to ensure that Dobbs Ferry, New York receives appropriate historical recognition on the map which accompanies the Washington-Rochambeau National Historic Trail legislation and that it also receives appropriate recognition in the National Park Service study which is related to this legislation.

The 1781 encampment of the American and French armies in Dobbs Ferry and neighboring localities has great historical significance. The strategy which led to victory at Yorktown was adopted at the encampment in mid-August 1781 and the first steps of Washington's march from New York to Virginia were taken on Dobbs Ferry's main roads and principle intersection, Ashford Avenue and Broadway, when the Continental Army broke camp on August 19, 1781.

Please examine the first page of your packet.\* Here we have a primary resource, the map of the encampment, prepared by General Rochambeau's cartographer. At the top of the map, we see that Dobbs Ferry is named. As the legend indicates the map shows the locations of the American army, the French army, George Washington's headquarters and General Rochambeau's headquarters. No. 7,

\*Graphics in this document have been retained in Committee files.

very close to the Hudson River shows the location of Sheldon's Dragoons, the first cavalry unit of the United States.

Dobbs Ferry's importance as the starting point of Washington's march to Virginia is highlighted on the next map, page two, prepared at West Point.

Dobbs Ferry is also highlighted as the point of origin of Washington's march to Virginia on the map on page three which was prepared by the National Park Service apparently for some different project and which does not accompany the legislation under discussion today.

When we look at the map that does accompany the legislation, on page four, we note 18 localities which are named along the Washington-Rochambeau route, but Dobbs Ferry is not one of them. This is a serious omission and we urge that it be corrected.

We respectfully ask this question. Apart from Yorktown itself, what site along the route of Washington's march to Virginia is more significant than its starting point?

Historian Benson Bobrick underscores the importance of Washington's march from New York to Virginia when he describes it as the largest and perhaps boldest movement of the war. Its success required the utmost secrecy and the precise timing and coordination of multiple naval and land movements. It is this march from New York to Virginia which gives the entire Washington-Rochambeau route its great historical importance.

Let's turn now to additional primary sources. Excerpts from Washington's correspondence at the time of the 1781 encampment can be found in the next three pages of your packet. In July and August of that year, Washington wrote approximately 100 letters with the place names, Head Quarters Dobbs Ferry, Head Quarters Dobbs's Ferry, Head Quarters near Dobbs Ferry or Camp near Dobbs Ferry appearing at the top of each letter.

From this abundance of documentation, we can see that Dobbs Ferry, or Dobbs's Ferry, was Washington's preferred designation for the location of the 1781 encampment of the Allied American and French armies.

We do not know why the Washington-Rochambeau National Historic Trails Study and the map accompanying this legislation omit Dobbs Ferry.

We submitted a lengthy written response to the National Park Service on December 2, 2006, during the public comment period. Our response is included in your packet. In that response, we explained our concerns about the omission of Dobbs Ferry and provided a great deal of supporting historical documentation.

While we would welcome any feedback including any disagreement or challenge that is based on historical evidence, no one to date has challenged the historical accuracy of our lengthy written response.

So, we are very hopeful that the National Park Service will recognize that Dobbs Ferry is not just one more location along the Washington-Rochambeau route, but that it is, instead, a key site of special historical significance.

We are here to support the National Historic Trail legislation but at the same time, we urge that the study and the map be corrected.

If the role of Dobbs Ferry is not clarified in the study and on the map, our mission to educate the public and to raise the level of public awareness of the great events which transpired in our communities during the Revolutionary War will be undermined.

There has been a major effort in Dobbs Ferry over the past year to inform the public about these great events in our history. Persons working toward this goal include Dr. Mary Donovan, president of the Historical Society, Joseph Bova, mayor of Dobbs Ferry and many others. In order to succeed, we need your support.

[The prepared statement of Ms. Borkow follows:]

PREPARED STATEMENT OF LINDA BORKOW, DOBBS FERRY HISTORICAL SOCIETY,  
DOBBS FERRY, NY

My name is Linda Borkow, and I have come on behalf of the Dobbs Ferry Historical Society.

My purpose today is to ensure that Dobbs Ferry, New York, receives appropriate historical recognition on the map which accompanies the Washington Rochambeau National Historic Trail legislation and that it also receives appropriate recognition in the National Park Service Study which is related to this legislation.

The 1781 encampment of the American and French armies, in Dobbs Ferry and neighboring localities, has great historical significance. The strategy which led to victory at Yorktown, was adopted at the encampment in mid-August, 1781. And the first steps of Washington's march from New York to Virginia were taken on Dobbs Ferry's main roads and principal intersection, Ashford Avenue and Broadway, when the Continental army broke camp on Aug. 19, 1781.

Please examine the first page of your packet. Here we have a primary resource, the map of the encampment prepared by General Rochambeau's cartographer.

At the top of the map, we see that Dobbs Ferry is named.

As the legend indicates, the map shows the locations of the American army, the French army, General Washington's headquarters, and General Rochambeau's headquarters.

Number 7, very close to the Hudson River, shows the location of Sheldon's Dragoons, the first cavalry unit of the United States.

Dobbs Ferry's importance as the starting point of Washington's march to Virginia is highlighted on the next map (page 2), prepared at the United States Military Academy. Dobbs Ferry is also highlighted as the point-of-origin of Washington's march to Virginia on the map on page 3, which was prepared by the National Park Service, apparently for a different project, and which does not accompany the legislation under discussion today.

When we look at the map which does accompany the legislation (page 4), we note 18 localities which are named along the Washington-Rochambeau Route, but Dobbs Ferry is not one of them. This is a serious omission, and we urge that it be corrected.

We respectfully ask this question: Apart from Yorktown itself, what site along the route of Washington's march to Virginia is more significant than its starting point?

Historian Benson Bobrick underscores the importance of Washington's March from New York to Virginia when he describes it as "the largest and perhaps boldest movement of the war."

Its success required the utmost secrecy and the precise timing and coordination of multiple naval and land movements. It is this march, from New York to Virginia, that gives the entire Washington-Rochambeau Route its great historical importance.

Let's turn now to additional primary sources. Excerpts from Washington's correspondence at the time of the 1781 encampment can be found on the next pages of your packet. In July and August of that year Washington wrote approximately a hundred letters with the place-names, "Head Quarters Dobbs Ferry," "Head Quarters Dobbs's Ferry," "Head Quarters near Dobbs Ferry," or "Camp near Dobbs Ferry" appearing at the top of each letter.

From this abundance of documentation we can see that "Dobbs Ferry" or "Dobbs's Ferry" was Washington's preferred designation for the location of the 1781 encampment of the allied American and French armies.

We do not know why the Washington-Rochambeau National Historic Trail Study and the map accompanying this legislation omit Dobbs Ferry. We submitted a lengthy written response to the National Park Service on December 2, 2006, during the public comment period. Our response is included in your packet. In that re-

sponse we explained our concerns about the omission of Dobbs Ferry and provided a great deal of supporting historical documentation.

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So we are very hopeful that the National Park Service will recognize that Dobbs Ferry is not just one more location along the Washington-Rochambeau Route but that it is, instead, a key site, of special historical significance.

We are here to support the National Historic Trail legislation. But at the same time, we urge that the Study and the map be corrected.

If the role of Dobbs Ferry is not clarified in the Study and on the map, our mission, to educate the public, and to raise the level of public awareness of the great events which transpired in our communities during the Revolutionary War, will be undermined.

There has been a major effort in Dobbs Ferry over the past year to inform the public about these great events in our history. Persons working towards this goal include Dr. Mary Donovan, President of the Historical Society, Joseph Bova, Mayor of Dobbs Ferry, the trustees of the Historical Society and the trustees of the Village of Dobbs Ferry. In order to succeed, we need your support.

Senator AKAKA. Thank you very much, Linda.  
And now Gary Werner.

**STATEMENT OF GARY WERNER, EXECUTIVE DIRECTOR, PARTNERSHIP FOR THE NATIONAL TRAIL SYSTEM, MADISON, WI**

Mr. WERNER. Thank you, Mr. Chairman and Senator Thomas for the opportunity to speak to you this afternoon.

I'm here representing the Partnership for the National Trail System, which is a non-profit federation of 29 organizations with approximately 70,000 members throughout the country. All of these organizations work either directly or indirectly with the National Park Service, the U.S. Forest Service and the Bureau of Land Management to help sustain America's 25 National Scenic and Historic Trails, and I'm here to testify and urge support for S. 169 and S. 580.

I should say in regard to S. 169, Senator Thomas, I want to thank you, especially for your public spirited work in the 108th Congress to find the right balance between providing the authority to help provide the rights-of-way needed for these trails while at the same time protecting other land uses that are going on adjacent to the trails.

I know that this could have been an impasse, and you found a way to make something happen for the public good and the private interest and I really thank you for doing that.

As has been mentioned already, the S. 169 would provide consistency throughout the National Trail System. Of the 25 trails, 16 of them have land acquisition authority for the Federal agencies. These nine trails do not.

I'd like to note that since these trails were authorized, ten additional trails have been authorized. All of those trails have the authority, the willing seller authority, that this bill would provide for these nine trails.

The most recent trails to receive that authority are the Old Spanish Trail in 2002 and the Captain John Smith Chesapeake National Historic Trail in 2006. So Congress has repeatedly provided this authority.

There is a need for it. Of the four National Scenic Trails involved, only about 5,600 out of 9,300 authorized miles of trail are

actually open for public use. The rest is on private land and some kind of rights-of-way will need to be secured.

Of the historic trails, only 26 percent of the high potential sites are protected in some kind of way for public. There are willing sellers out there.

On the Ice Age Trail in Wisconsin, the Wisconsin Department of Resources has worked with over 50 people in the last 6 or 7 years to acquire rights-of-way for the trail.

Regarding S. 580 that—like S. 169—is a bill that you have, as you noted Mr. Chairman, passed several times out of the Senate and sent over to the House, it's a bill which would provide for a feasibility study for the Oregon-California Pony Express and Mormon Pioneer Trails to update the knowledge that we have of many of the additional routes, cutoffs, and feeder trails that led to these important routes in the American West.

A lot of the work has already been done by members of the Oregon-California Trail Association and others to do the studies. The members of OCTA and other organizations work very closely and cooperatively with land owners.

They've also worked cooperatively with the oil and gas industry in Wyoming, in particular, and have reviewed over 1,000 oil and gas permits over the last 6 years and offered comments to the Bureau of Land Management.

They have recommended litigation in a few instances, but they have not objected to any of those oil and gas leases and indeed, Anadarko and several of the other major oil and gas producing companies working in Wyoming, have received awards from the Oregon-California Trail Association. I know, Senator Thomas, you're going to be participating in an event at the end of May, in which Anadarko has donated an easement for a significant gap in the Continental Divide National Scenic Trail around Rawlins.

If you remember the situation in 2003, when we had a hearing on this bill, the amount of work that you have done and that we have done and others have done over the intervening years, the attitude, if you will, about the impact of this particular bill on private land and things like that, has changed substantially. We look forward to continuing to work with you and other members of the committee to complete these trails so they can be available for everyone to enjoy to their fullest. Thank you.

[The prepared statement of Mr. Werner follows:]

PREPARED STATEMENT OF GARY WERNER, EXECUTIVE DIRECTOR, PARTNERSHIP FOR THE NATIONAL TRAILS SYSTEM, MADISON, WI

S. 169—WILLING SELLER AUTHORITY FOR NATIONAL TRAILS

Mr. Chairman and members of the Subcommittee on National Parks, the Partnership for the National Trails System strongly supports S. 169, the "National Trails System Willing Seller Act," introduced by Senators Allard and Levin. S. 169 is identical to legislation passed by the Senate by unanimous consent during the 108th Congress.

S. 169 provides authority to Federal agencies to purchase land and interests in land from willing sellers for all nine trails for which Federal agencies currently are prohibited from buying land: the Oregon, Mormon Pioneer, Lewis and Clark, Iditarod and Nez Perce National Historic Trails and the Continental Divide, Ice Age, North Country and Potomac Heritage National Scenic Trails authorized by Congress 20 or more years ago. The Partnership urges you to promptly recommend S. 169 for passage by the Senate.

The Partnership for the National Trails System is a nonprofit federation of 29 citizen organizations with 70,000 members that directly support and help manage national scenic and historic trails in partnership with the National Park Service, USDA Forest Service, and the Bureau of Land Management.

S. 169 is an important remedial bill that corrects a gross disparity and inconsistency in the National Trails System Act. While Congress created the Act in 1968 to foster and sustain a nationwide system of trails with a full array of authority necessary for Federal agencies to administer them, nine scenic or historic trails have been authorized without any Federal land acquisition authority. Federal administering agencies lack the fundamental and often essential means for protecting the integrity of the resources and the continuity of the footpaths for more than one-third of the National Trails System, while Congress has provided those agencies with such willing seller or greater land acquisition authority for the rest of the System, including the Old Spanish National Historic Trail authorized in 2002 and the Captain John Smith Chesapeake National Historic Trail authorized in 2006.

This inconsistency of land acquisition authority severely hampers appropriate administration of more than one-third of the National Trails System. Perhaps the most striking example of this inconsistency and disparity is the four national historic trails administered by the National Park Service in Salt Lake City, Utah. Currently the Park Service has authority to buy land from willing sellers along the California and Pony Express National Historic Trails, but is prohibited from doing so along the Oregon and Mormon Pioneer National Historic Trails.

This inconsistency seems highly ironic since the four trails share the same route across most of Nebraska, Wyoming and Utah. If a landowner offers to sell land to the Federal government containing historic traces of these four trails it is unclear what authority the Park Service has to act upon. With authority to buy land for two of the trails but not for the other two, would the conflicting authorities cancel each other or would the land be able to be purchased for the two trails and the other two left unrecognized on the site? Perhaps this is an odd situation, but it illustrates a peculiar and frustrating inconsistency in the Trails Act with important consequences for the day-to-day management and protection of these trails.

To restore consistency and parity to the National Trails System Act it is critical that willing seller land acquisition authority be provided for all nine trails for which Federal agencies currently are prohibited from buying land.

S. 169 does just that. This bill provides willing seller land acquisition authority for the Oregon, Mormon Pioneer, Lewis and Clark, Iditarod and Nez Perce National Historic Trails and the Continental Divide, Ice Age, North Country and Potomac Heritage National Scenic Trails.

There is real need for Federal agencies to be able to help protect the resources and continuity of these trails by acquiring land from willing sellers. Of the three trails in the eastern half of the country affected by S. 169, the Ice Age, North Country and Potomac Heritage Trails, which lie primarily across private land, slightly more than one-third, about 2,522 miles, of their projected 6,115 mile length is permanently protected for public use. The other national scenic trail without Federal land acquisition authority, the Continental Divide Trail, mostly crosses public land and is nearly complete. Only about 113 miles of right-of-way for the Continental Divide Trail remain to be acquired. In total these four national scenic trails are projected to be more than 9,300 miles long when completed, yet 25 years after their authorization only about 5,600 miles, slightly more than half their length, are permanently protected for public benefit. Without the ability for Federal agencies to purchase permanent rights-of-way from willing sellers it is unlikely that these trails will ever be the continuous pathways intended by Congress.

The degree of protection of the five national historic trails without Federal land acquisition authority is comparable to the condition of the four national scenic trails. Only 194 of the 730 significant sites and segments documented to date along the Oregon, Mormon Pioneer, Lewis and Clark, Nez Perce and Iditarod National Historic Trails are permanently protected. This amounts to only 26% of the recognized places along these trails that can provide visitors first hand experience of where important events of our Nation's history occurred. The attached table documents the degree of protection of the resources and rights-of-way for each of the nine trails without Federal land acquisition authority.

Without the ability for Federal agencies to acquire sites and segments along these nine trails from willing sellers, irreplaceable resources and experiences of our Nation's heritage will be lost forever. An example of this loss occurred several years ago on the Ice Age National Scenic Trail in Dane County, Wisconsin. Several properties in the Towns of Middleton and Verona, totaling about two miles of trail in a rapidly urbanizing area, were put up for sale over the past several years. Their purchase for the Ice Age Trail would have protected a nationally significant portion

of the terminal moraine of the most recent continental glaciation, providing a stunning opportunity for the public to appreciate and enjoy the contrast of two startlingly dissimilar landscapes. Lacking buyers able to purchase and protect these properties they were subdivided for rural residential development. Local government zoning authority was used to preserve a narrow corridor for the Ice Age Trail to weave among the luxury homes.

The chance to permanently protect a critical link in the North Country National Scenic Trail in New York was lost in a similar manner. At the west end of Watkins Glen State Park, New York there is roughly a half-mile of private woods, a thin strip along the creek that tumbles into the Glen previously belonging to an adjacent farm. To the west of the private strip is a long stretch of mostly state forest, protecting a days' worth of walking on the North Country Trail. The Department of Environmental Conservation (DEC) had been negotiating with the farmer over that strip along the creek for years, and he was willing to sell, but the DEC was waiting for funding. A willing seller who also seemed willing to wait held the property, which would consolidate many miles of North Country Trail and protect the border of a park potentially beleaguered by development along its edges.

However, the state waited too long. When they finally had the money to buy the land they found that he had sold out, unannounced, to a new party who, while he has not thrown out the trail, is not interested in selling to the state.

The willing seller land acquisition authority provided for the nine trails included in S. 169 and subsequent appropriations from the Land & Water Conservation Fund will enable the Federal agencies administering them to respond to such conservation opportunities as they arise. Each year willing sellers offer for sale many parcels along critical segments of these trails.

The State of Wisconsin has been purchasing land from willing sellers to protect segments of the Ice Age and North Country Trails for the past ten years, matching Land & Water Conservation Fund money with Wisconsin Stewardship Fund money. Four fee title acquisitions, from 40 acres to 339 acres in size, have been completed by the State to protect segments of the North Country Trail over the past four years. The State also has acquired two easements for the trail.

The State of Wisconsin and several counties have spent more than \$13 million in purchasing land for the Ice Age Trail over the past 15 years. More than 50 willing sellers have sold their parcels of land, ranging in size from 5 acres to 1,200 acres, for the Ice Age Trail. Negotiations are underway with more than three dozen additional willing sellers. State and county land agents have mostly been responding to landowners who have contacted them offering to sell their land. Dealing with these offers from willing sellers has left little time to contact others of the hundreds of landowners along the Ice Age Trail about their interest in selling land.

S. 169 provides the authority for Federal administering agencies to respond to these and similar opportunities provided by willing sellers to acquire land for recreation and education that will be appreciated for generations to come. Federal assistance will be a necessary complement to all the efforts of private organizations and state and local agencies to help protect the nine national scenic and historic trails aided by S. 169.

Providing willing seller land acquisition authority for the six national scenic and historic trails in the West without it will have little potential impact on the amount of land owned by the Federal government. More than 95% of the Continental Divide National Scenic Trail is already on public land. Federal land acquisition for the national historic trails is limited by Section 7(a)(2)(g) of the National Trails System Act to the identified "high potential sites and segments". "For national historic trails, direct Federal acquisition for trail purposes shall be limited to those areas indicated by the study report or by the comprehensive plan as high potential route segments or high potential historic sites." These "high potential sites and segments" are very specific, documented locations along these trails.

In Wyoming, for instance, which is crossed by four of these trails, the sites that could be acquired by the Federal government if Congress provides willing seller authority are limited to a few areas:

- *Continental Divide National Scenic Trail.*—The route of this trail in Wyoming is on public land through Yellowstone National Park, several national forests, and Bureau of Land Management land except for a stretch of 20 miles or so in the "checkerboard area" north and south of Interstate 80 near Rawlins. This section of the Continental Divide Trail currently follows highways, but can be moved "off-road" by acquiring a right-of-way across the Sections of private land in the checkerboard between the Sections of public land administered by the Bureau of Land Management. The Continental Divide Trail Alliance has recently received confirmation of the donation of an 18 mile easement in the

Great Divide Basin north and south of Rawlins thanks to the generosity of Anadarko. A signing ceremony with Senator Thomas and former Assistant Secretary of Interior and current CDTA board chair Rebecca Watson will occur on May 31 as an early celebration of National Trails Day. Although this donation nearly closes this significant gap in the CDT more right-of-way will need to be acquired to eliminate the trail route on highways. Acquisition of a trail right-of-way via an easement will add no acres to the fee title holdings of the Federal government in Wyoming.

- The “Comprehensive Management and Use Plan for the Oregon, California, Mormon Pioneer and Pony Express National Historic Trails” identifies 37 “high potential sites” along the Oregon and Mormon Pioneer National Historic Trails in Wyoming. Of these sites, 12 are on private land. Although a precise survey of each site has not been made, National Park Service staff estimate that purchase of either fee title or a conservation easement to 1 to 10 or possibly 20 acres from willing sellers would be sufficient to protect the critical historic resources at each site. The other 25 “high potential sites” are on public land or a combination of public and private land. Of the 6 “high potential segments” of the Oregon and Mormon Pioneer National Historic Trails identified in Wyoming, one 15 mile long segment is on private land. The other 5 segments, some 268 miles of the historic trails, cross a mixture of public and private land.
- *Nez Perce National Historic Trail*.—Approximately 99% of the route of this trail in Wyoming is already on public land through Yellowstone National Park, Shoshone National Forest and State of Wyoming land. Of the 137 miles of the one “high potential segment” in Wyoming, 135 miles are on public land and 2 miles are on private land.

In summary, the main impact of willing seller land acquisition authority for these trails on Federal and private land ownership in Wyoming would be along the one section of the Continental Divide National Scenic Trail, one 15 mile long “high potential segment” and 12 “high potential sites” along the Oregon and Mormon Pioneer National Historic Trails and 2 miles of one “high potential segment” of the Nez Perce National Historic Trail.

The need and opportunity to use willing seller land acquisition authority will arise at different times for the various trails. For some, the authority may not be used for many years or only infrequently. For others the need for this authority is more acute and it is likely to be used as soon as Congress makes it available and to be used often. Although the National Park Service has had authority to buy land from willing sellers for more than a decade for the California and Pony Express National Historic Trails, no land has been purchased to protect sites along these trails. On the other hand, there is a very urgent need for the National Park Service to join State and local agencies and private land trusts in buying land to provide continuous rights-of-way for the Ice Age and North Country National Scenic Trails.

The Partnership for the National Trails System is very grateful to Senators Allard and Levin for introducing S. 169 to provide willing seller authority for the nine national scenic and historic trails lacking it. We ask that you recommend S. 169 for passage to the Senate, so that progress can be made toward restoring parity and consistency within the National Trails System.

#### S. 580—PIONEER NATIONAL HISTORIC TRAILS STUDIES ACT

The Partnership for the National Trails System strongly supports S. 580, to update the Feasibility Studies of the Oregon, California, Mormon Pioneer, and Pony Express National Historic Trails, introduced by Senator Hatch, and requests that you request the Senate Energy and Natural Resources Committee to recommend adoption of S. 580 to the full Senate. This bill authorizes the National Park Service to update the Feasibility Studies for these four National Historic Trails by examining additional routes and cutoffs of these trails for possible inclusion in the National Trails System. The bill also authorizes the Secretary of Interior, upon completion of those studies, to recommend to Congress which of those routes and cutoffs qualifies under the National Trails System Act for addition to the National Trails System. Congress would then decide whether to add the recommended routes and cut-offs to the National Trails System.

Considerable research, much of it done by volunteers of the Oregon-California Trails Association, Mormon Trails Association and National Pony Express Association, has documented important routes and cutoffs used by the 19th Century travelers of these trails that were not recognized in the original feasibility studies. Although those feasibility studies and the authorization as national historic trails by Congress based upon them recognized the main routes of the four trails, many of

the “feeder trails” at the eastern ends and “dispersal routes” at the western ends of them were not recognized. To preserve to the fullest extent all the historic and cultural resources associated with these important routes of development of the United States and to present the richness of their stories as completely as possible, it is essential and right that the National Park Service should be authorized to evaluate all their routes and cutoffs for possible inclusion in the National Trails System.

Several important “main routes” were not included in the original feasibility studies. The Cherokee Trail, for instance, included in S. 580, was an important route used by Native Americans to travel from Indian Territory to the gold fields of California. To overlook this significant, but probably not widely appreciated, chapter of our history would be a very unfortunate oversight. Examination of the Cherokee Trail for possible national recognition will allow the opportunity for many more Americans to more fully understand the range of aspirations of some 19th Century Native Americans.

The understanding of our history and the diverse cultures it has produced is not static. Rather, like a living organism it is dynamic and grows with new discoveries and re-interpretations of previous information. As a Nation we are much richer and stronger because of such advances in the understanding of our history that enable us to more fully appreciate both the contributions of the many peoples and cultures that have inhabited our land before us and the injustices brought upon them through ignorance, prejudice and greed.

Our National Trails System should be in the forefront of recognizing the full stories of our past, as we are best able to understand them and to preserve the physical reminders of those stories to the fullest extent possible.

S. 580 provides the opportunity to update the Feasibility Studies for these four trails to reflect significant new research since the original studies were completed. The bill is a necessary opportunity to assure that significant components of our history are recognized and preserved to enrich our understanding of our past and to allow future generations to do so, too.

The Partnership urges you to recommend adoption of S. 580 to your colleagues on the Energy and Natural Resources Committee and to the full Senate.

The Partnership for the National Trails System appreciates the prompt consideration you have given to S. 169 and S. 580 and the opportunity to provide these comments in support of them for the hearing record. We urge you to promptly recommend passage of this legislation important for restoring consistency to the National Trails System Act and for authorizing a study of the feasibility of adding important components to existing national historic trails.

STATUS OF NINE NATIONAL SCENIC AND HISTORIC TRAILS WITHOUT FEDERAL LAND ACQUISITION AUTHORITY

National Scenic Trail	Projected Length (Miles)	Protected Length (Miles)	Unprotected Length (Miles)
Continental Divide Trail .....	3,200	3,087	113
Ice Age Trail .....	1,200	511	689
North Country Trail .....	4,200	1,546	2,654
Potomac Heritage Trail .....	715	465	250
<b>TOTAL .....</b>	<b>9,315</b>	<b>5,609</b>	<b>3,706</b>

STATUS OF NINE NATIONAL SCENIC AND HISTORIC TRAILS WITHOUT FEDERAL LAND ACQUISITION AUTHORITY

National Historic Trail	No. Significant Sites/Segments	Protected Sites/Segments	Unprotected Sites/Segments
Iditarod Trail .....	approx. 75 .....	11 .....	approx. 64
Lewis & Clark Trail .....	approx. 270 .....	123 .....	approx. 147
Mormon Pioneer Trail .....	88 .....	6 .....	82
Nez Perce Trail .....	80 .....	40 .....	40
Oregon Trail .....	217 .....	14 .....	203
<b>TOTAL .....</b>	<b>730 .....</b>	<b>194 .....</b>	<b>536</b>

The figures given are the most accurate available; however they are approximate for all of these trails. Improvements in mapping techniques and historic research are increasing understanding of the full nature of these trails and the resources upon which they are based.

S. 169 provides "Willing Seller" land acquisition authority to Federal agencies for all of these nine trails.

Senator AKAKA. Thank you very much for your testimony.  
Now James Brown.

**STATEMENT OF JAMES P. BROWN, WASHINGTON OFFICE  
DIRECTOR, ST. LOUIS, MO**

Mr. BROWN. Mr. Chairman, thank you. On behalf of St. Louis Mayor, Francis Slay, I'd like to thank you again for this opportunity to testify in support of H.R. 1047, a bill authorizing the Secretary of the Interior to conduct a study to determine the feasibility of designating the St. Louis Soldiers' Memorial Military Museum as a unit of the National Park Service.

I'd like to also thank Senator Claire McCaskill and Congressman William Clay for sponsoring this legislation.

The Soldiers' Memorial was built as a tribute to all veterans residing in the greater St. Louis area, including southern Illinois. It has become a place of great solace for those veterans seeking peace and contact with their past and a great source of inspiration and pride for those families whose sons and daughters made the ultimate sacrifice for this country.

With American troops now serving in Iraq and Afghanistan, landmarks that honor their service and the brave sacrifices made by our veterans that came before them are extremely important to the American people.

The St. Louis Soldiers' Memorial has a unique place in our Nation's history. It is a national treasure created by the 20th century foremost Art Deco Master, Walter Hancock. The architectural masterpiece was dedicated by Franklin Roosevelt, October 14, 1936 and is the only structure in St. Louis, that we know of, that was dedicated by a sitting President. Therefore we do take exception to the characterization that the memorial is not distinguished beyond many other city memorials.

Originally built to honor the veterans of World War I, the St. Louis Soldiers' Memorial occupies a seven acre site in downtown St. Louis. It houses an extensive collection of priceless military artifacts that date back to the early 1800's.

Today the memorial has become a cultural resource and gathering place. Every year it attracts nearly 48,000 visitors. It provides the setting for more than 20 ceremonies, including national patriotic events hosted by veterans groups, change of command ceremonies and military retirement ceremonies.

This monument is also the center of the Annual Veteran's Day Parade in observation, which is the largest of its kind in the Midwest, drawing more than 100 marching units from many surrounding States.

It is truly a beautiful structure that it certainly among the most cherished monuments ever built in tribute to our Nation's veterans. Every effort should be made to help ensure this valuable landmark is preserved for the benefit of future generations.

Federal designation as a monument, under the administration of the National Park Service would guarantee the highest standards of historic preservation. We believe that a feasibility study of the St. Louis Soldiers' Memorial undertaken by the Interior Department will show that it is a historic structure with national significance and should become a part of the National Park Service. Thank you.

[The prepared statement of Mr. Brown follows:]

PREPARED STATEMENT OF JAMES P. BROWN, WASHINGTON OFFICE DIRECTOR,  
ST. LOUIS, MO

IN SUPPORT OF H.R. 1047

Mr. Chairman and Members of the Subcommittee, thank you for giving me this opportunity to testify in support of HR. 1047, a bill authorizing the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, as a unit of the National Park Service. My name is James P. Brown and I am here representing the City of St. Louis. I would like to take this opportunity on behalf of St. Louis Mayor Francis Slay to thank both Senator Claire McCaskill and Representative William Lacy Clay for sponsoring this very important piece of legislation.

The Soldiers Memorial was built as a tribute to all veterans residing in the greater St. Louis area, including Southern Illinois. It has become a place of great solace for those veterans seeking peace and contact with their past, and a great source of inspiration and pride for those families whose sons and daughters made the ultimate sacrifice for their country. With American troops fighting in Iraq and Afghanistan, landmarks that honor their service and the brave sacrifices made by veterans that came before them, are extremely important to the American people.

The St. Louis Soldiers' Memorial has a unique place in our nation's history. It is a national treasure created by one of the 20th Century's foremost Art Deco master, Walter Hancock. The architectural masterpiece was dedicated by President Franklin D. Roosevelt on October 14, 1936, and is the only structure in St. Louis that is known to have been dedicated by a sitting U.S. President. Nobel features include the massive stone columns with carved stone panels between the columns that bear the faces of war veterans. On the north and south sides of the building are large stone statues of winged horses and martial looking men and women, representing the most important virtues in a soldier's life—COURAGE, LOYALTY, SACRIFICE AND VISION.

Originally built to honor the veterans of World War I, the St. Louis Soldier's Memorial occupies a seven-acre site in downtown St. Louis. It houses an extensive collection of priceless military artifacts that date back to the early 1800's. Today, the memorial has become a cultural resource and gathering place. Every year, it attracts nearly 48,000 visitors and provides the setting for more than 20 ceremonies, including national patriotic events hosted by veterans groups, change of command ceremonies, and military retirement ceremonies. This monument is also the center of the annual Veterans Day parade and observance which is the largest of its kind in the Midwest, drawing more than 100 marching units from surrounding states.

The Soldiers' Memorial Military Museum is owned and maintained by the City of St. Louis. In 1923 the City of St. Louis voted \$6 million to purchase a Memorial Plaza and building dedicated to St. Louisians who lost their lives in World War I. The purchase of the seven-block site exhausted the allotted funding leaving no money to erect a monument. In 1933, Mayor Bernard F. Dickmann appealed to citizens and the city government to raise \$1 million for the construction of a memorial building and for general improvements of the Plaza area with assistance from the Relief Recovery Act. Construction of the Memorial began on October 21, 1935. On October 14, 1936, President Franklin D. Roosevelt officially dedicated the site. Mayor Dickmann opened the building to the public on Memorial Day, 1938.

It is a truly beautiful structure that is certainly among the most cherished monuments ever built in tribute to our nation's veterans. Every effort should be made to help ensure that this valuable landmark is preserved for the benefit of future generations. Federal designation as a monument under the administration of the National Park Service would guarantee the highest standards of historic preservation for all collections and unique architectural features. We believe that a feasibility study of the St. Louis Soldiers' Memorial undertaken by the Interior Depart-

ment will show that it is a historically significant structure with national significance and it should become a part of the National Park Service.

Thank you for your consideration.

Senator AKAKA. Thank you very much for your testimonies. And now we have a few questions for you.

Mayor Kerner, you said that you believe placing the Fleming Plantation within the management authority of the National Park Service will be the best way to preserve the site. Can you tell us what kind of condition the site is in and is there any estimate of how much it will cost to acquire and preserve this site?

Mr. KERNER. Senator, I don't have the estimates on the cost, I'm sorry. I think Senator Landrieu may have that, but I will tell you that there's a house on the Plantation that's in fairly good shape, but the blacksmith's shop is in bad shape. Also a couple cottages are in bad shape.

I couldn't tell you a dollar amount for what it would take to restore them, but I will tell you that, in my area, right on Bayou Barataria, we're surrounded by swamp. It's a beautiful area. We have people from all over the world that come there and I think that this Plantation would just add to it, Senator. It would be a beautiful point of interest for Louisiana.

Senator AKAKA. Thank you. General Reddel, you've testified that your commission needs to be able to hire Federal employees to protect against liability issues. Most other groups authorized to build a memorial have not had this authority. Is there a difference between your commission and other memorial groups that would justify this authority?

General REDDEL. I can't speak to the differences in explicit terms with regard to other commissions as much as to say that we've looked carefully at the liability risk for the people that we have now on contract with us, and it's a serious issue for us to have this coverage.

We've looked for a way to do it, the most cost-effective and efficient way we could identify and looked at the cost of private insurance.

We also find that the law with regard to the District of Columbia and the statute of repose would require us to have such insurance for our employees up to a period of 10 years after the completion of the construction of the memorial.

So, our resolution of this from our viewpoint in consultation with legal counsel was to do what we've proposed in the legislation.

Senator AKAKA. And the legislation of S. 890, it states that a commission can hire employees with regard to the civil service laws and title V of the U.S. code.

My question to you is why do you need to be exempted from those laws?

General REDDEL. We wish to be exempted from those laws so that we can hire people on a temporary basis to meet the specific needs of the expertise for the design and the construction of the memorial and to make that as carefully defined for those purposes as we can.

Senator AKAKA. Thank you, General. Ms. Burdick, do you have an idea of how much of the trail will run on public lands or rights-of-way and how much crosses private lands?

Ms. BURDICK. Very little. I'd like to turn that question over to Mike Fitzgerald who actually walked the trail.

Mr. FITZGERALD. I'd going to have to say 90 percent of what we walked was public.

Senator AKAKA. Mike, will you come up to a mic, so we could have it recorded? Thank you.

Mr. FITZGERALD. Thank you, sir. I can't say exactly. I don't have those exact numbers, but 90 percent, a majority of the roads we walked on were public roads. Some of the camps are on private land, some of those aren't identified down in Virginia, but as far as the roads go, I think, they were pretty much all public.

Senator AKAKA. I see. Do you have any comment on that request by the Dobbs Ferry Historical Society to modify the trail map to ensure that Dobbs Ferry is recognized?

Mr. FITZGERALD. I don't think I'm probably in the position to do that. I do know some of the history.

Senator AKAKA. Will you state your name?

Mr. FITZGERALD. I'm sorry, Mike Fitzgerald with W3R.

Senator AKAKA. Thank you very much, Mike. Will the other gentleman please step forward to the mic, and state your name and your response?

Ms. BURDICK. Excuse me, Senator; may I put Dave Holloway, who also walked, to answer the question about Dobbs Ferry?

Senator AKAKA. Yes.

Ms. BURDICK. Thank you.

Senator AKAKA. Thank you.

Mr. HOLLOWAY. My name's Dave Holloway. I'm from Connecticut. I also marched the trail.

It was my idea to begin with, but going through the trail, we learned a lot of history about the trail, and it turns out that Dobbs Ferry was actually Phillipsburg during the Revolution and the Dobbs family owned the ferry that crossed the Hudson. What it was, is, Washington would cross the Hudson on Dobbs ferry, so when he would meet somebody he would say, we would meet at Dobbs Ferry.

So, Phillipsburg's name was changed to Dobbs Ferry and to coin a phrase, "Washington slept here." So being from Hawaii, you don't have too much of that, but it's very understandable, because when we did the march we slept in 54 different places in 4 months and so, Dobbs Ferry was one of the places where Washington would meet, but the army actually wasn't there. We crossed at King's Ferry, which is just north of Dobbs Ferry.

Senator AKAKA. Well, thank you very much for that information, appreciate it. Ms. Burdick, do you have any other further comments?

Ms. BURDICK. No, but we cordially invite the people from Dobbs Ferry to attend all of our meetings and we're all volunteers, so we need her.

Senator AKAKA. Thank you very much. Linda, Ms. Borkow, other than the omission of Dobbs Ferry from the trail map and the Park Service Study, do you have any other concerns with the proposed trail?

Ms. BORKOW. No, we're very enthusiastic that we have this legislation. It will help a lot of communities, but just to continue with

the remark that was made here, this document that we submitted, the 14 page document, which is included in the packet that we have submitted today, gives a very detailed list of actual events which did occur in the current village of Dobbs Ferry.

It's true, George Washington used this as a place name for his entire encampment, which included Dobbs Ferry and several of the neighboring villages, and that encampment is also referred to as Phillipsburg. But for instance, the gentleman here, who walked with W3R, they happened to have taken the route of the French, but the Americans actually went through Dobbs Ferry.

We have a primary source, which is also cited in our study: Dr. Thatcher, who was with Colonel Scammel's unit and that unit, was an elite unit which is actually in the current village of Dobbs Ferry.

We in Dobbs Ferry, because W3R was not doing something specific for our village, we organized our own march and actually Colonel Johnson of W3R came over and joined us for our march.

But, what we need to have happen is this very detailed document that we have submitted in the comment period. We really need a historic and factual response to that, and some desire to really review it and incorporate these issues into the resource study that was done.

If this becomes the final resource, the final study without our changes, anybody reading this would, sort of, not have any understanding of the very significant role that Dobbs Ferry played.

In addition, the map that came with the legislation, that very small map, which I have on page four of my packet, doesn't mention Dobbs Ferry. It's kind of confusing, but Dobbs Ferry should be on this as the starting point of Washington's march.

Basically, the responses we got from the National Park Service indicated that they feel this is sort of a minor matter that can wait until after the legislation. It can be addressed in some sort of form as things evolve and they did not give the impression that this very detailed document that we wrote with all sorts of historical substantiation, and also included four pages of specific corrections that we wanted to see to the resource study.

We have this feeling that they don't intend to address it. So, we need that addressed and responded to.

Ms. BURDICK. I would like to say that the responses came after this document was sent to the printer, so thank you.

Senator AKAKA. Well, thank you very much, and thank you for those comments. Gary Werner, Mr. Werner, just out of curiosity, why was the land acquisition originally prohibited for these nine trails when, as you pointed out, it has been routinely authorized for all other trails?

Mr. WERNER. Mr. Chairman, I'm not sure I can give you a definitive answer because I have, over the years, have heard several different interpretations, but they basically stem to actions that were—as you know, the Trails Act has been amended a number of different times since 1968, and there was a package of amendments I believe in the early 1980's in which this particular amendment was added, which put this restriction on these nine trails which already existed, or had already been authorized.

I know several people and in fact, Steve Elkinton from the National Park Service, who was their program leader for the National Trails System, has done some research on this.

Going back and looking through the congressional records and the hearing records, there are a couple of different theories as to exactly how the amendment arose that made this prohibition, but it stemmed from the early 1980's and I think, frankly, was a concern coming from some of the western Senators about, what we still have today, the amount of public land or Federal land in the West. That's what the basis is, I think, for this amendment.

I'd happily yield to Mr. Elkinton if he'd care to—no, he doesn't.

I'm sorry. I wish I could give you a very simple, definitive answer, but I can't.

Senator AKAKA. Thank you very much, Mr. Werner. Mr. Brown.

Mr. BROWN. Yes, sir.

Senator AKAKA. The Soldiers' Memorial has been a city-run memorial for the past 70 years.

Mr. BROWN. Yes, sir.

Senator AKAKA. Why does the city now want transfer to the Federal Government?

Mr. BROWN. Senator, basically, we feel that the structure is used, right now, by, as we said—groups come from eight or ten States during Veteran's Day. It's used by many other groups from surrounding States. It is a facility that has tremendous historical experience.

I understand, one of the points was made, about it being eligible but hasn't been formally nominated. I understand that's underway now, efforts are being made to do that.

Also, we feel that structures of this national significance, that are used so frequently for these purposes should be under the umbrella of the National Park Service in terms of, not only just making the facility better and maintaining it, because some of these artifacts are very old and so on, but that as the National Expansion Memorial, the Gateway Arch, this facility is visited by many, many non-St. Louisans, people from many, many other States, and it's not just that we're having difficulty from a budget standpoint to properly maintain it.

We feel that it has such national significance that it should be under the umbrella of these other national monuments so it can be properly recognized and properly maintained.

Senator AKAKA. Assuming this study came back favorable, would the city propose to donate the site to the Federal Government?

Mr. BROWN. I think that could definitely be a possibility. Yes, sir.

Senator AKAKA. Do you have any estimates as to what the maintenance and annual operating costs are?

Mr. BROWN. Right now they're between \$180,000 to \$250,000 a year.

Senator AKAKA. I want to thank you for your responses and let me call now on Senator Thomas for his questions.

Mr. BROWN. Thank you, Senator.

Senator THOMAS. Thank you, Mr. Chairman. Just very briefly, Mr. Kerner, you mentioned this extension would be good for the State and local area. Does that fit into the needs as a National Park?

Mr. KERNER. Well, it would be 5,000 acres, Senator, and that would be 5,000 acres of prime wetlands where they have so much wildlife and it would be preserving the wildlife, preserving the beauty of these wetlands. They could never be developed.

Some of this property is developable, but by putting in a National Park, it would never be developed.

So many benefits, it acts as a buffer zone for 250,000 people on the West Jefferson port of the river.

Senator THOMAS. It's private land now?

Mr. KERNER. Private lands, yes, sir.

Senator THOMAS. I see. So then you'd have a total of about 27,000 acres, this kind of thing. Is that right?

Mr. KERNER. That's right.

Senator THOMAS. Okay. Mr. Brown, I was going to ask a similar question that the chairman has already asked. So the Government would pay the entire operating and maintenance expense under your proposition. Is that correct?

Mr. BROWN. Yes, Senator.

Senator THOMAS. Do you charge an entrance fee now for the museum?

Mr. BROWN. Yes, it's minimal. I believe it's under \$5, I believe.

Senator THOMAS. What does it generate, do you know?

Mr. BROWN. I believe it generates less than about, I think it's \$25,000 a year.

Senator THOMAS. Okay. You know, I understand. We just have to kind of make a decision sometimes, what things are national and what things should be State, what things should be local, and I understand that they're good things and if you can get the feds to pay for it, why that's a good idea. That's why we ask these questions.

Mr. BROWN. Certainly, certainly, Senator.

Senator THOMAS. Ms. Burdick, how much of the construction will be necessary along the route to restore the points of interest and build a visitor's center and so on?

Ms. BURDICK. Actually, one of the things that we're doing is partnering with many different historic preservation groups. We're just starting the very initial phases of a communications commons where members can talk with others to learn about places that are threatened by development, places that need a new roof and so on and so forth, but there are many different partnering organizations that we're reaching out to that can help with these things.

At the moment, Yorktown National Park Service is a reasonable place for the Visitor's Center because it already exists.

Senator THOMAS. Okay. Mr. Werner, are you aware of any private funds available to purchase land to add to the trail systems?

Mr. WERNER. Yes, Senator Thomas. There are a number of land trusts, non-profit organizations that are working along for specific sites or specific areas along some of the scenic and historic trails.

Several of the national, such land trusts, the trusts for public land, and the conservation fund have been doing work to help protect specific sites along some of the scenic and historic trails.

In Wisconsin, where I'm from, besides local government and donations from private individuals, there have been a number of local foundations, or regional foundations that have provided funding assistance, usually on a matching basis where if there's some govern-

ment money available, that money will be matched with the private money, so you're leveraging both public and private money to afford the necessary protection or acquisition.

Senator THOMAS. The private money could be used then. Is that right?

Mr. WERNER. Absolutely, yes.

Senator THOMAS. Mr. Reddel, this is going to be basically under GSA, this program. Is that right?

General REDDEL. We're anticipating the design and the construction to be under GSA, yes, sir.

Senator THOMAS. The Commission brought authority for raising money and entering contracts and support from GSA. How does that compare to other memorials? Have they done the same thing?

General REDDEL. Yes, sir, the other memorials have used the advice and the resources of GSA, and we see ourselves in what we're proposing is similar to other commissions in terms of our structure to arrive at that end.

Senator THOMAS. I thought I read somewhere here where GSA just didn't appear here. Why is that? They declined to appear. Do you know why?

General REDDEL. No, I do not.

Senator THOMAS. Okay, all right, well, we'll have to check that out. Yes. Come up and identify yourself.

Ms. WILSON. I'm from GSA. Actually it's a little bit misleading, of what this bill is attempting to do. It is to give the Eisenhower Commission the authority to do their work. GSA just provides administrative support in this bill to the Commission. We help do their accounting and their personnel work, things like that, not actually planning the memorial.

The Commission will continue to plan the memorial. GSA wasn't declining to testify today, but it's basically the Commission's hearing, their structures. They are deciding how the memorial will be established, what will be there, and GSA is just providing administrative support for them.

Senator THOMAS. Who provides the money for GSA?

Ms. WILSON. They pay us on a reimbursable cost basis for our work.

Senator THOMAS. I see, thank you. Would you give us your name, please, and social security number?

[Laughter.]

Ms. WILSON. I'm Leslie Wilson, and I'm in the General Counsels Office at GSA.

Senator THOMAS. Thank you. Thank you, Mr. Chairman. I appreciate the testimony.

Senator AKAKA. Thank you very much, Senator Thomas. I'm glad you asked a question about GSA. That was in my mind too, and now we have a response.

Before we conclude this hearing I'd like to again, thank our panels and our witnesses and those who added to it, for your responses.

Your comments help put a personal face on these bills and are very helpful to the subcommittee. As I have said before, I'm looking forward to try to move these bills as quickly as we can.

Some Senators, who were unable to be here this afternoon may submit questions in writing which we'll ask you to answer for the record if it is sent for your questions.

So, with that I want to say thank you again to all of you, and the subcommittee hearing is adjourned.

[Whereupon, at 3:54 p.m., the hearing was adjourned.]



## APPENDIXES

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### APPENDIX I

#### Responses to Additional Questions

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##### RESPONSES OF LINDA BORKOW TO QUESTIONS FROM SENATOR THOMAS

*Question 1.* Washington-Rochambeau Revolutionary Route (S. 686): Have you submitted your comments to the National Park Service and are you satisfied with the response they have provided?

Answer. Thank you for your questions, Senator Thomas.

The Dobbs Ferry Historical Society submitted a 14-page comment to the National Park Service on December 2, 2006, during the public comment period.

Our comment was provided to the Subcommittee on April 26, 2007 (pages 8 through 21 of the handout).

We have not received a response to the historical evidence and documentation found in our 14-page comment. The only response provided was confirmation that the comment was received by the NPS.

We are not satisfied with their response thus far: we hope that the NPS will respond to the historical content in our 14-page comment.

A stated objective of the NPS Washington-Rochambeau Revolutionary Route Resource Study is “to identify the full range of resources and historic themes associated with this route” (page 2). Because we present abundant evidence that Dobbs Ferry is a key site along the Washington-Rochambeau Route, our comment is relevant to this NPS objective.

The NPS Resource Study also states that the NPS “will carefully review all comments and determine whether any changes should be made to the report” (page 2). This statement suggests that the NPS is prepared to make changes in the Resource Study in response to comments which are relevant and well-substantiated.

*Question 2.* Are the concerns expressed by the Dobbs Ferry Historical Society the result of an oversight during the NPS study of the Washington-Rochambeau Revolutionary Route or a scholarly difference in the interpretation of the history of the Revolutionary War and the march to Yorktown? Please explain.

Answer. We do not know why Dobbs Ferry was omitted from the NPS map which accompanies this legislation. As was mentioned in our testimony on April 26, 2007, we would welcome any feedback, including any disagreement or challenge that is based on historical evidence. To date, no one has challenged the historical accuracy of our 14-page comment.

For that reason it seems unlikely that the concerns of the Dobbs Ferry Historical Society are the result of a scholarly difference of interpretation of the march to Yorktown or of the history of the Revolutionary War, and it seems more likely to be the result of an oversight.

Similarly, we do not know why the Resource Study associated with this legislation fails to mention:

- a. that Dobbs Ferry was the starting point, on Sunday, Aug 19, 1781, of Washington’s march from New York to Yorktown, Virginia;
- b. that Dobbs Ferry and neighboring localities, such as Ardsley and Edgemont/Greenville, were part of the 1781 summer encampment of the allied American and French armies where the winning strategy for the Revolutionary War was adopted;
- c. that elite military units were deployed in Dobbs Ferry during the 45 days of the encampment (Col Alexander Scammel’s First Infantry, described by a respected primary source as “a select corps, consisting of the most active and soldierly young men and officers . . . intended to march in advance of the main

army, constantly prepared for active and hazardous service,”<sup>1</sup> and Col Elisha Sheldon’s Dragoons, the first cavalry of the United States);

d. that a large redoubt, overlooking the Hudson River, was constructed at Dobbs Ferry by American troops.

e. that Dobbs Ferry received cannon fire from British ships on the Hudson River on at least three occasions during the summer encampment of 1781, and fire was returned by the troops in the redoubt, causing considerable damage on one occasion to the HMS Savage, a British ship-of-war; the damage to the HMS Savage allowed American prisoners of war on board to escape.

f. and that General Washington placed the name, “Dobbs Ferry” or “Dobbs’s Ferry” or “near Dobbs Ferry” at the top of approximately 100 letters which he sent from the encampment, indicating that these were his preferred names for the location of the encampment.

There is one reference to Dobbs Ferry in the text of the Resource Study: On page 17, mention is made of a Hudson River ferry crossing at Dobbs Ferry of 600 officers and men “ahead of the main armies,” and this is of definite interest, but no mention is made at all of occurrences a through f, all of which are more important historically than that ferry crossing ahead of the main armies.

Dobbs Ferry appears in very small font on one map in the Resource Study (page 47), along with hundreds of other localities.

It is difficult to draw any conclusions about the historical significance of Dobbs Ferry from the map on page 47.

While we are calling for important changes, compatible with the historical evidence, in the NPS Resource Study and on the NPS map accompanying this legislation, we wish to reiterate our strong support for S. 686 and to express our appreciation to the NPS study team for their hard work in behalf of a wonderful concept, the Washington-Rochambeau National Historic Trail.

We also wish to comment on the statements which Kim Burdick submitted in response to Senator Thomas’s questions, and which are now part of the public record. We received Ms. Burdick’s statements because she circulated them by e-mail.

Ms. Burdick states in her answer to Senator Thomas that Dobbs Ferry’s purpose is to get “a piece of the . . . money pie and any future federal funding that might come along,” and that, “Mrs. Borkow’s main comment to us was ‘if Dobbs Ferry is not a big dot on the map, we won’t get any funding.’”

Ms. Burdick has misconstrued my comments, and I do not believe that these are words that I used. My actual response was that it would be damaging to all of our efforts if we acquiesce in the publication of an incorrect NPS Resource Survey.

In ongoing volunteer efforts for more than a year and a half, members of the Dobbs Ferry Historical Society have been attempting to raise the level of public awareness about the great historical events which transpired at the 1781 summer encampment of the American and French armies in Dobbs Ferry and in neighboring localities.

We consider that awareness of the great historical events which occurred in our communities is the heritage of all Americans and of posterity. Because it is our mission to educate the public about these significant events, we hope to establish permanent historical displays.

If the National Park Service presents interpretations of history which omit the role played by Dobbs Ferry, our potential backers would be deterred and confused as to the true historic events because of the great credibility of the National Park Service.

All of our efforts to develop accurate historical exhibits would be undermined if the National Park Service were to publish a historical account with such major omissions.

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#### RESPONSES OF KIM BURDICK TO QUESTIONS FROM SENATOR THOMAS

*Question 1.* Washington Rochambeau Revolutionary Route (S. 686): How do you envision the interpretation of the route (that is, would visitors have to drive from point to point or will there be a central visitor center)?

Answer. Thank you, Senator Thomas. As the former staffer of the Delaware House of Representatives’ Natural Resource Committee, I appreciate your very thoughtful questions. Please feel free to keep asking me questions until you get all the information you need.

There are two parts to your first question:

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<sup>1</sup>Military Journal of the American Revolution by Dr. James Thacher.

### *Technology & Publications*

W3R-USA, as a 5-1 c-3, is currently working with Talisman Interactive in Manayunk, Philadelphia, PA on a comprehensive plan to develop a variety of tools for assisting visitors along the route. Our idea is to have a website, cell-phone & pod-cast sound trail, brochures, guidebooks, and interactive kiosks along the route.

The first element will be touch-screen kiosks in key locations along the route. The pilot project kiosk was funded by the Delaware General Assembly and was installed on 4th of July, 2006 at the Wilmington Amtrak Station. We are hopeful that the other nine states and DC will fund additional kiosks along their portion of this route. We like the idea of putting these kiosks in places where there is heavy public visibility, such as Amtrak Stations and state and local visitors centers, and of course, in national parks. The pilot project kiosk contents are available on-line at [www.w3r-de.org](http://www.w3r-de.org).

The W3R-Delaware kiosk has some additional bells & whistles in that it has Yahoo map service and can print out a basic essay about the route in both French & English. (See image No. 1 at end of this document.) These kiosks cost about \$25,000 each. Delaware tourism is very interested in these kiosks as a mechanism for capturing the zip codes of anyone who wants to send himself or a friend an "e-postcard". This zip-code data collection gives us some way to track the geographic spread of our visitors.

W3R-USA has long-term plans to develop Sound Trails using cell phone technology and additional pod-casts to interpret the historic sites along the way. These sound trails will enable the visitor to learn about the march of the allied soldiers without requiring the sites to be open to the public.

Currently W3R-USA is working on a series of pod-casts that tell the Washington-Rochambeau story. These utilize existing film footage that Talisman has made at our events. Each one costs about \$8,500, including travel time for the film crew. Our first pod-cast is David McCullough talking about the importance of the French soldiers and French citizens of the thirteen colonies. Hopefully this one will be available on-line next week. The others in our initial pod-cast series are Bob Selig, the chief historian for this project; the Marchers who walked all along the W3R from Rhode Island to Yorktown; and French Ambassador to the United States, Jean-David Levitte, telling the story from his French perspective.

Each of seven of the nine W3R states has also privately contracted with scholar Robert Selig, PhD, to do extensive research into their state and local archives. Most of Bob's reports are on-line and can be found at [www.w3r-us.org](http://www.w3r-us.org). To date he has completed RI, CT, NY, NJ, PA, DE and funding for the Virginia study was announced at Yorktown Days this past fall. Maryland and Massachusetts, and DC, remain to be studied and we are hopeful that these W3R chapters will actively search for state and local funding to complete these volumes. In most cases, the State's General Assembly gave the money to the State Historic Preservation office that oversaw and vetted the research.

We are very anxious to get these comprehensive "Selig Studies" done and published as a nine volume commemorative set. The research has already been used in a variety of ways, from creating local brochures and interpretive panels, to adding content to the W3R-DE interpretive kiosk.

Now that most of the states have completed their "Selig Study" our organization is looking into producing a comprehensive brochure with a map of the entire route, and also a tourists' guide similar in nature to a Fodors. This type of publication and a related marketing outreach would be an excellent first project for NPS to work on with W3R-USA, as the research is already done, and the impact would be immediate.

### *Interpretive Centers*

My personal belief is that it is most economical, practical, and useful thing to leverage existing resources. There are a number of National Park Service sites on, or close to, this proposed Revolutionary Route, that could fairly inexpensively be outfitted with exhibit panels, brochures, pod-casts and interactive kiosks to help tell the story of the 1780-1782 march of the allied troops. I am especially interested in utilizing these existing National Parks and their interpretive centers as much as possible. They are ideally situated for spreading the W3R story as they already cater to a niche market attracted to the American Revolution.

Colonial National Park in Yorktown is already a major player in this effort and, to my mind, makes the most sense as a focal point interpretive center. The march of the allied troops under Washington & Rochambeau culminated in the surrender of Cornwallis at Yorktown. Colonial National Park is visited annually in the month of October by American, French and often, British, government officials and hordes of tourists celebrating Yorktown Day. Our story is their story.

Independence Visitor Center in Philadelphia is also already a key partner, and has a great temporary W3R exhibit that was installed in summer 2006 that will remain there until fall, 2007 then move to Valley Forge. Philadelphia is almost in the middle of the 685 mile W3R route and anyone following the route will pass through this historic district.

Although not every one of the nine states has a National Park with a Revolutionary War theme, five of the nine states do: Massachusetts, New York, New Jersey, Pennsylvania and Virginia. New York State has West Point, Maryland has Annapolis, and DC has the Center of Military History at Fort McNair and the Library of Congress, all willing potential partners.

The National Parks & state government-related sites that might be most conveniently be pressed into service are: Massachusetts: Boston National Historical Park, Minute Man National Park; New York: Stony Point, West Point; New Jersey: Morristown National Park (and also Monmouth & Princeton State Parks); Pennsylvania: Independence & Valley Forge; Maryland: Annapolis (& wrong war—but—perfect location-Fort McHenry National Park), DC-Library of Congress's Center of Maps & Geography and Smithsonian Museum of American History Virginia, Colonial National Park and also George Washington's Birthplace. (Colonial Williamsburg and Mount Vernon have also partnered with W3R-USA on several projects.)

The historic sites along the Washington-Rochambeau Revolutionary Route are mostly privately, locally, and state-owned, and should not be expecting NPS to fund their preservation or their restoration. The W3R-USA, our non-profit, has established amazing ties with the city, state, and county parks and officials in the nine states and they are extremely interested in pumping up the visibility of their Rev War sites through partnering with local, county, state and federal parks along this 685 mile route. In every state tourism officials are interested and both willing and eager to help move this project to a higher level.

The W3R is a good story that needs to be told, and it is largely an auto-route. For those who wish to walk the route, it is mostly just a road through towns and cities with sidewalks already existing in many places, plus some occasional hiking trails. By coincidence, or serendipity, the W3R also weaves in and out of existing greenways in nine of the fifteen East Coast Greenway states. At some point in the future, it is possible that at some transportation hubs, informational and interpretative panels for both projects could be established.

An additional thought which may be causing needless concern to Congress: One of our board members, Betty Jane Gerber of McLean, Virginia, came to us in 2004 with a proposal for a central visitors' center in Washington, D.C. While we agree that it would be a nice idea to do that, her plan is not a top priority of W3R-USA. The Washington, DC heritage center has its own non-profit status and W3R sees that effort as BJ's own baby.

The following websites may be useful in visualizing the potential of using existing NPS sites as partners: <http://www.nps.gov/colo/>, [http://www.nps.gov/revwar/revolutionary\\_parks/pop.htm](http://www.nps.gov/revwar/revolutionary_parks/pop.htm), <http://www.cr.nps.gov/museum/exhibits/revwar/index1.html>, and <http://www.nps.gov/revwar/>.

*Question 2.* Washington-Rochambeau Revolutionary Route (S. 686): How much construction will be necessary along the route to restore points of interest, erect interpretive material, or build visitor facilities?

Answer. I don't see this route as a major construction project. It is rather, a massive marketing effort. The greatest expense should be in developing a comprehensive marketing plan, printing costs, advertising costs, and interpretive signs and films.

The Marchers will be able to pinpoint the places in the road where it is most dangerous for pedestrians; Most of those issues should be pinpointed and brought not to NPS to fix, but to the state legislators and state and county highway departments for remediation.

There are some encampment sites that it would be nice to preserve but, as many are already parking lots and strip malls, for the most part an interpretive panel or state historic marker suffices.

The historic houses and sites along the way are already somebody else's baby. Most of them are either privately-owned or run by non-profits, or local, county and state governments. While all of these sites would like to stick their hands out for money, I personally would tell the managers of these sites (and have told the ones in Delaware) that W3R is merely a Route, an Auto-Tour, and that NPS's role is merely to enhance existing efforts through effective marketing techniques.

It never hurts to have some public restrooms along the way, but simply marking on a route map where public restrooms and local, county, state and national park restrooms and campsites are already to be found, would be a good deed that would involve a simple survey, and entail less eventual federal government responsibility.

Many of the W3R-USA states have already begun marking the trail with highway route markers & wayside exhibit panels using state and local funding. The states and counties that have participated to date seem to like doing this and see it as a good heritage tourism tool.

We are using a comprehensive and carefully thought-out graphic design template. In several states the Department of Transportation has taken our template and cranked out and installed the highway route markers. Delaware has 37 of these highway route markers and the cost estimate I heard was only \$2,000 from soup to nuts.

*Question 3.* Washington-Rochambeau Revolutionary Route (S. 686): How much do you estimate the annual expense will be to manage and interpret the Washington Rochambeau Revolutionary Route?

*Answer.* The appropriations requested by are \$350,000. Divided by 9 states and DC, that is pretty cheap. Although I haven't seen the NPS budget breakdown, I do know that this project will require at least one staff person serving as a full-time circuit rider, and three would really be better. Postage, long-distance phone bills, gas, and mileage, motel rooms, and office supplies will need to be covered. Very professional marketing & interpreting of this route will be essential.

I don't know how NPS plans to handle the funding, but if I were in charge of that end of things, I would set up a good portion of this money as a pool of capped, regrant, funds that each statewide chapter of W3R or an official nonprofit along the route, could request through an orderly grant application process. Most of the states already have state and local support that could serve as matching funds towards leveraging such a grant pool.

Here are some real-world numbers based on W3R-DE's actual costs for our W3R Revolutionary Weekend held in September, 2006.

- Touch screen kiosk.—\$25,000.
- Basic (very basic) web design.—\$4,500.
- One 1/8 page color ad in Amtrak.—\$2,500.
- Interpretive wayside single-panel sign.—\$15,000.
- Each free-standing wooden exhibition kiosk, also.—\$15,000-\$35,000.
- State's Selig Study.—\$25,000.
- Tour guide booklets.—the estimate we got for a 9-volume set was about \$10,000 per state for a 40 page booklet with 8 pages of color plates. The printing estimate was about \$6.25 per booklet.
- Brochures.—Depends on amount produced. We had a small grant of \$2,500 and asked for "as many color brochures as we could get for \$2,500." They cost about \$1.00 to \$2.50 each, producing them in this small quantity.

*Question 4.* Washington Rochambeau Revolutionary Route (S. 686): Are the concerns expressed by the Dobb's Ferry Historical Society the result of an oversight during the NPS study of the Washington-Rochambeau Revolutionary Route or a scholarly difference in the interpretation of the history of the Revolutionary. War and the march to Yorktown? Please explain.

*Answer.* Actually, Dobbs Ferry was not omitted by NPS. The Park Service, in fact, did include Dobbs Ferry in the final study report. W3R-USA feels it was adequately covered. Although Dobbs Ferry is an important and interesting part of the American soldiers' story, W3R's main thrust is the French and American story that begins far north of Dobbs Ferry, in Newport, Rhode Island.

*Question 5.* Washington-Rochambeau Revolutionary Route (S. 686): Do you concur with the comments submitted by Dobb's Ferry Historical Society? Do you object to modifying the map referenced in the bill to reflect concerns expressed by the Dobb's Ferry Historical Society?

*Answer.* W3R-USA agrees that Dobbs Ferry is an important piece of the W3R story. Dobbs Ferry is already on the final study map and is also mentioned in the text of the NPS final study. W3R has no objection to modifying the map. We welcome the members of the Dobbs Ferry Historical Society to become active participants in our all-volunteer organization. As this study is not about the history of Dobbs Ferry, and is about 685 miles of allied cooperation, we feel that the NPS study is very well-done and perfectly adequate for what it is.

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RESPONSES OF GARY WERNER TO QUESTIONS FROM SENATOR THOMAS

*Question 1a.* National Trails System Willing Sellers (S. 169): S. 169 would give the National Park Service authority to acquire land from willing sellers on nine trails. Does the BLM already have authority to purchase land or obtain easements for any of the nine trails or would S. 169 also apply to BLM?

Answer. Actually S. 169 gives authority to the Federal Government, that is, all Federal agencies, not just the National Park Service, to acquire land from willing sellers on nine national scenic and historic trails. This is the same authority that Congress has provided to Federal agencies for 10 national historic trails authorized since 1983, including the Captain John Smith Chesapeake National Historic Trail authorized in 2006.

*Question 1b.* Does the BLM already have authority to purchase land or obtain easements for any of the nine trails or would S. 169 also apply to BLM?

Answer. Wyoming BLM staff have told us that the Federal Land Management Policy Act allows them to purchase trail land or obtain easements from willing private landowners when Federal funds are available.

We have been told that a Senate fiscal year 2008 funding request has been proposed that allows the purchase of trail easements from the Wyoming checkerboard private landowners. A similar funding request was proposed during the 109th Congress.

Senate bill 169 does apply to the BLM, as well as all other Federal agencies.

*Question 2.* National Trails System Willing Sellers (S. 169): Are you aware of any private funds available for purchasing land to add to the National Trails System and how much of those funds do you foresee using if S. 169 is enacted?

Answer. Yes. National organizations, including The Conservation Fund, Trust for Public Land, and The Nature Conservancy have helped acquire land with private funding for the Appalachian, Florida, and Pacific Crest National Scenic Trails and for the Lewis & Clark and Trail of Tears National Historic Trails. Local land trusts in Wisconsin have helped to acquire land for the Ice Age National Scenic Trail with private and local government funds. The Florida Trail Association has secured private donations to help protect several sections of the Florida National Scenic Trail.

When a private landowner decides to sell land or a trail easement as a Willing Seller, then the funds to pay for that acquisition must be obtained by a Federal, State, or local agency, non-profit organization or by trail volunteers or a combination of these entities. This is done on a case by case basis and private funding is generally raised for each specific project rather than for a "Trail Acquisition Fund."

Here are two examples of acquisitions in which the Oregon-California Trails Association (OCTA) secured private funding to help protect critical sites along the Oregon National Historic Trail:

- Example A.—A private landowner offered OCTA an easement covering the historic California Hill segment in Nebraska and a private donor gave OCTA the funds to purchase that easement. The cattleman's son then acquired the land and found that OCTA had the only water source on his property. OCTA then rewrote the easement to give him access to the water, installed a cattle barrier gate for hikers and created a new access rule: "When the bull is standing in the trail ruts, wait until he decides where he wants to go before hiking on the trail." OCTA signed a public access agreement with the National Park Service which under the National Trails System Act protects both the landowner and the trail easement holder from hiker liability. With the donor's approval, OCTA later donated this easement to the Nebraska State Historical Society who now administers it.
- Example B.—A private landowner in the historic City of Rocks area of Idaho offered to sell land to the National Park Service but wanted more than the "fair market" appraised value. OCTA volunteers donated the funds needed to make up the difference and the National Park Service acquired this land.

Several states also have provided significant funding to acquire land from willing sellers for national trails. The State of Wisconsin and several counties have spent more than \$13 million in purchasing land for the Ice Age National Scenic Trail over the past 15 years. More than 50 willing sellers have sold their parcels of land, ranging in size from 5 acres to 1,200 acres, for the Ice Age National Scenic Trail. Negotiations are underway with more than three dozen additional willing sellers. Ten fee title acquisitions, from 40 acres to 339 acres in size, have been completed by the State of Wisconsin to protect segments of the North Country National Scenic Trail over the past four years. The State also has acquired two easements for the North Country Trail.

Similarly, the State of Florida and its communities are strong supporters of the Florida National Scenic Trail (FNST). The Florida Legislature has recognized the Florida National Scenic Trail in statute as Florida's official statewide non-motorized trail and agencies have been encouraged to acquire lands which will further the completion of the FNST. Using this authority the Florida Office of Greenways and Trails (OGT) has acquired several parcels providing 25 miles for the FNST and is in the process of acquiring several more parcels to provide another dozen miles of

Trail. Several Florida State Conservation Areas have been acquired that include sections of the FNST and several other acquisitions, along the Suwanee River and other areas, now underway will also provide land for the Florida National Scenic Trail.

If S. 169 is enacted into law the organizations working with Federal agencies to sustain the nine national scenic and historic trails in the legislation would continue to secure private funding and local government funding, as well as funding from Congress, to acquire critical sites and segments of the trails from willing sellers. The percentage of funds to acquire any one parcel coming from each of these public and private sources will likely vary from transaction to transaction. Acquisition of land or easements from willing sellers is necessarily a case by case activity that must meet the needs of the landowners as well as the buyers and funders to be successful.

*Question 3a.* National Trails System Willing Sellers (S. 169): What is the role of property owners with land adjacent to willing sellers in the acquisition of property in accordance with S. 169? What recourse does an adjacent property owner have if they object to sharing a boundary with the trail as a result of the transaction and what liability does the property owner incur if trail users stray onto their property?

Answer. Willing Sellers are Private Landowners who decide to sell their land or a trail easement across it to the Federal, State, local government, or a nonprofit organization. Adjoining landowners have the same rights that they would if this land was sold for a highway or sold or leased to an energy developer, another rancher, or any other purchaser.

*Question 3b.* What recourse does an adjacent property owner have if they object to sharing a boundary with the trail as a result of the transaction and what liability does the property owner incur if trail users stray onto their property?

Answer. We understand that liability for injuries incurred by people visiting or using other people's land is regulated by the states. We further understand that many states have revised or adopted "Recreational Liability" statutes designed to minimize the liability for landowners who are not in the business of providing recreation opportunities and who allow others to use their land at no or minimal cost for recreational purposes. One of the intentions of these statutes is to encourage private landowners to open their lands for recreation by the public.

Wisconsin's Recreational Liability statute, for example, applies both for people who are expressly invited to come on the land by the landowner and for people who use the land without the landowner's permission. In neither case is the landowner required to keep the land "safe" for potential users (that is, fence off "attractive nuisances" such as farm equipment, swimming pools, cliffs, etc.). Rather the statute holds a landowner liable for injury to others only when it can be proven that the landowner maliciously intended to harm either an invited guest or a trespasser. Several cases under this statute that have been decided by the Wisconsin Supreme Court have all upheld the protection for the landowner, whether the landowner was a private individual or a public agency.

In addition to the liability protection for landowners provided by State Recreational Liability statutes, the National Trails System Act provides Federal protection for landowners who cooperate in helping to preserve components of the National Trails System or allow the public to cross their land on one of the national trails. Section 7(h)(1) of the National Trails System Act, quoted in part below, extends the Volunteers-in-Parks and Volunteers-in-Forests benefits to cooperating landowners.

Section 7(h)(1) The Secretary charged with the administration of a national recreation, national scenic, or national historic trail . . . may enter written cooperative agreements with the States or their political subdivisions, landowners, private organizations, or individuals to operate, develop, and maintain any portion of such a trail either within or outside a federally administered area. Such agreements may include provisions for limited financial assistance to encourage participation in the acquisition, protection, operation, development, or maintenance of such trails, provisions providing volunteer in the park or volunteer in the forest status (in accordance with the Volunteers in the Parks Act of 1969 and the Volunteers in the Forests Act of 1972) to individuals, private organizations, or landowners participating in such activities, or provisions of both types. The appropriate Secretary shall also initiate consultations with affected States and their political subdivisions to encourage—

(A) the development and implementation by such entities of appropriate measures to protect private landowners from trespass resulting from trail

use and from unreasonable personal liability and property damage caused by trail use, and

(B) the development and implementation by such entities of provisions for land practices compatible with the purposes of this Act, for property within or adjacent to trail rights-of-way. After consulting with States and their political subdivisions under the preceding sentence, the Secretary may provide assistance to such entities under appropriate cooperative agreements in the manner provided by this subsection.

*Question 4a.* National Historic Trails Extension Studies (S-580): Do you foresee any new trails being added to the National Trails System as a result of the studies authorized in S-580?

Answer. No. S-580 is almost identical in wording to its predecessor bill signed out by this Subcommittee and unanimously approved by the full Senate during the 109th Congress.

*Question 4b.* Do you foresee the expansion of existing trails as a result of the studies authorized in S-580?

Answer. Bill S-580 authorizes the study of additional routes/cutoffs recommended for future study by the 1999 Four Trails Comprehensive Management Plan. As specified in the written testimony to this Subcommittee, these studies will determine which of these routes meet the qualifications of the National Trails Act and should be added to already authorized trails. Then new enabling legislation will have to be approved by a future Congress before any of these routes can be added to the four National Historic Trails.

*Question 4c.* Do you foresee changes in the interpretation of the history of these four trails as a result of the studies authorized by S-580?

Answer. The National Trails Act does not authorize the Federal land management agencies for these four trails to change their interpretation of these four trails as a result of the passage of S-580.

- Example 1.—The end of the Applegate Route of the California National Historic Trail is in Salem, Oregon near the State House. Recognition of this route as also being the southern route of the Oregon National Historic Trail can not be done until: This study's authorization legislation is passed by Congress; the study of this route justifies its addition; and new enabling legislation is passed by a future Congress. Meanwhile, outside the Oregon legislature, a California National Historic Trail logo will remain on the end of the trail marker and an Oregon National Historic Trail logo can not be added.
- Example 2.—The National Trails Center being built in Elko, Nevada will interpret the Congressionally authorized California and Pony Express National Historic Trails. The Southern route of the Oregon National Historic Trail, which parallels the California Trail in Nevada, will not be interpreted until after its study is authorized by S-580 and a future Congress authorizes its addition to the Oregon National Historic Trail.

The answers to these questions have been prepared by Gary Werner, Executive Director of the Partnership for the National Trails System, Bill and Jeanne Watson, Federal Trails Co-Liaisons, Oregon-California Trails Association, and Kent Wimmer and Howard Pardue of the Florida Trail Association. Mr. Werner lives in Madison, WI; the Watsons live in Orinda, CA; Mr. Wimmer and Mr. Pardue live in Tallahassee, FL.

## APPENDIX II

### Additional Material Submitted for the Record

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STATEMENT OF CARL TAYLOR, CHAIRMAN, COCONINO COUNTY BOARD  
OF SUPERVISORS

S.722, THE WALNUT CANYON NATIONAL MONUMENT STUDY ACT OF 2007

Chairman Akaka and members of the Senate National Parks Subcommittee, as Chairman of the Coconino County Board of Supervisors, I appreciate the opportunity to submit testimony on S. 722, the Walnut Canyon National Monument Study Act of 2007. Coconino County would like to extend our gratitude to the Committee, as well as Senators McCain and Kyl, for their continued effort to move the Walnut Canyon National Monument Study Act forward.

On behalf of Coconino County and the Flagstaff Community, I would like to relay our strong support for the Walnut Canyon National Monument Study Act. S. 722 will assist with continued planning efforts in Coconino County and the area surrounding the Walnut Canyon National Monument. We cannot overstate the importance to the Flagstaff community of proper planning in the area of this unique monument.

S. 722, the Walnut Canyon National Monument Study Act, authorizes the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument to evaluate the significance of the public uses and resource values of land and to make a recommendation for the future management of the area. The land referred to as the Study Area in the legislation is comprised of approximately 31,000 acres and includes Federal land, Arizona State Trust land, private land (which will not be affected) and land within the Walnut Canyon National Monument, managed by the National Park Service. All other non-private land within the study area is managed by the United States Forest Service or the Arizona State Land Department.

The Study Area surrounding the Walnut Canyon National Monument contains important natural habitats, abundant and diverse flora and fauna, and truly unique archeological, topographical, scenic and sacred grounds full of tradition and culture. The distribution, diversity and location of historic sites are unique and include the only cliff dwelling architecture of the Northern Sinagua Native American culture. Many contemporary tribes look at this area as the home of their ancestors. The natural and cultural resources within the Monument are known to be significant to these native tribes, as evidenced by oral history, continuing practices and the archeological record. In addition, land under management by the United States Forest Service enjoys many valued public uses.

Due to widespread public interest and the diverse groups with vested interests in the land surrounding the Walnut Canyon National Monument, on February 12, 2002, Coconino County and the City of Flagstaff conducted a joint meeting to discuss this issue. A "staff group" was created and included staff from the National Park Service, the United States Forest Service, the Arizona Game and Fish Department, the City of Flagstaff and Coconino County.

Three public input meetings were scheduled in 2002 to provide the public with agency introductions, resource information, known land uses, alternative land designations and options. Upon conclusion of the meetings there was a consensus that preservation within the Study Area was in the public interest and current uses in the area should be retained. However, an agreement was not reached on which agency is best to manage this property and what the final boundary should look like.

Concurrently, a phone survey was conducted including residents of the incorporated area of Flagstaff, as well as unincorporated areas of Coconino County including Kachina, Mountaineer, Parks, Ft. Valley and Doney Park. The results were remarkably similar to those of the public input meetings with the vast majority of

the participants supporting continued preservation and a continuation of current uses. In addition, hundreds of letters and calls from citizens were received for consideration.

This public process, along with the team efforts of the staff group, resulted in a joint resolution by the Coconino County Board of Supervisors and the Flagstaff City Council on December 17, 2002. This resolution is a result of the public's desire obtained through an open process with citizen, federal, state and local participation to determine the best manner in which to protect these lands and resources in perpetuity, while allowing the continuation of current uses.

The study authorized by S. 722 will evaluate the significance of the public values and resources of the Study Area as pertaining to the management objectives of the Forest Service and the National Park Service, opportunities for maintaining existing public uses and recommend a range of options for best managing and conserving the same.

Ultimately, upon completion of the Study by an experienced third party consultant, it is envisioned recommendations will be made through collaboration between the Secretary of the Interior, the Secretary of Agriculture, the Forest Supervisor of the Coconino National Forest, the Superintendent of the Flagstaff Area National Monuments, the Flagstaff City Council and the Coconino County Board of Supervisors.

Mr. Chairman and members of the Committee, on behalf of the Flagstaff Community and the citizens of Coconino County, thank you for your consideration of the Walnut Canyon National Monument Study Act of 2007. We look forward to your support for this important legislation.

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STATEMENT OF JASON BEGGER, VICE PRESIDENT, PETROLEUM ASSOCIATION  
OF WYOMING

Mr. Chairman and members of the Subcommittee, my name is Jason Begger and I am the Vice President of the Petroleum Association of Wyoming (PAW), specializing in public land issues. PAW would like to thank the Subcommittee on National Parks of the Committee on Energy and Natural Resources for the opportunity to provide written comments regarding Senate 169, which pertains to different aspects of historic trail designations and willing sellers for certain trail segments in the National Trail System.

PAW is Wyoming's oldest and largest trade organization, the members of which account for over ninety percent of the natural gas and over eighty percent of the crude oil produced in the State. PAW is recognized as Wyoming's leading authority on petroleum industry issues and is dedicated to the betterment of the state's oil and gas industry and public welfare.

Last year, the oil and gas industry alone accounted for approximately 63% of the assessed valuation of property in Wyoming. The 2000 Census reported that there are approximately 494,000 people living in Wyoming. Including tax receipts and royalty revenue, this translates into direct payment of nearly \$4,800 for every Wyoming resident. The mineral industry (oil, gas and mined minerals) provides over 65% of the total education budget, and 70% of Wyoming's total annual budget. The petroleum industry directly employs nearly 20,000 people with a payroll of over \$1 billion annually. If one concludes that there are three (3) indirect jobs for every direct job, the result is 63,000 indirect jobs. Combined, a total of 83,000 jobs are attributable to oil and gas development in the state and. Using this calculation, the petroleum industry directly and indirectly employ's 17% of the residents in the State.

Wyoming is also the largest contributor to the federal onshore minerals program with a submission of over \$1.2 billion in fiscal year 2006 from rents, royalties, and bonus bids from oil and gas development activity on public lands. Fifty percent (50%) of that total is allocated back to the state. In Wyoming, as with many other western states, access to public lands is critical for the very survival of the state's economy, maintaining quality jobs, sustaining a reasonable tax base and providing a revenue stream for state and local governments.

Wyoming also has the most miles of historic trails of any state in the West. There are five (5) congressionally designated trails in Wyoming. Those are the Nez Perce Trail, which runs through Yellowstone National Park, and the Oregon, California, Mormon Pioneer, and Pony Express Trails, which traverse east to west across central and southern Wyoming.

The historical legacy, wide open spaces and recreational opportunities within Wyoming are very important to all the citizens of the state. The thousands of residents employed in the oil and gas industry enjoy these scenic and cultural resources; and support the preservation of these assets. PAW encourages efforts to enhance our his-

torical legacy and supports the National Trails System Willing Seller Act (S. 169), subject to the following provisions:

- The bill would allow the federal government to obtain private property from willing sellers but would place boundaries on the amount of land that may be purchased and would prohibit the federal government from condemning private property for the purpose of obtaining trail segments to manage for public recreation.
- The Act should be amended to require all acquisitions under the Act to be subject to valid existing rights.
- The management of congressionally designated trails and trail segments has become more cumbersome over the years. The surface management agencies have placed increasingly restrictive measures in terms of disturbance of the actual trails and protection of visual resources. This has only served to create further barriers and restrictions for access to public lands in Wyoming. PAW supports the protection of historic trails as they are an important component of Wyoming's history, and the history of the settlement of the West.

Protection of the trails, however, should not result in unnecessary hardship on the landowner. To prevent this outcome, PAW believes the Act should be revised to include a requirement that management of these trail segments on private property should be restricted to "a quarter mile on either side of the trail or visual horizon, which ever is less." This would be in keeping with the Act as currently drafted, which limits the amount of land that may be acquired to a quarter mile. In the absence of this revision, although only a quarter mile may be obtained, the federal government may seek to extend its regulatory reach far beyond the quarter mile. This should not be allowed. In addition, the sale of property or the management of the private lands must be subject to landowner approval but there must be a default position in place to prevent the unnecessary expansion of protection.

Mr. Chairman and members of the Subcommittee, thank you again for the opportunity to share with you our perspective regarding historical trails in Wyoming.

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STATEMENT OF CELINA MONTORFANO, VICE PRESIDENT FOR PROGRAMS, AMERICAN  
HIKING SOCIETY

S. 169—NATIONAL TRAILS SYSTEM WILLING SELLER ACT

Mr. Chairman and members of the subcommittee, American Hiking Society is the only national nonprofit organization that promotes and protects foot trails and the hiking experience. With a strong membership base of individual hikers and hiking clubs, American Hiking represents half a million outdoors people and serves as the voice of the American hiker. American Hiking Society, our members and member organizations, and the 75 million Americans who hike have a strong interest and stake in the future of our National Trails System, especially the national scenic trails included in S. 169, the National Trails System Willing Seller Act. American Hiking Society strongly supports S. 169 and urges the Subcommittee to recommend S. 169 for passage in the Senate.

Willing seller land acquisition authority is critical to the completion and protection of our National Trails System. Between 1978 and 1986, Congress designated nine national scenic and national historic trails while prohibiting their managers from acquiring land with federal funds to protect the trail corridors and historic trail sites. S. 169 amends the National Trails System Act to give the national scenic and historic trails that do not have federal land acquisition authority the ability to buy land from willing sellers. These trails are the Continental Divide, Ice Age, North Country and Potomac Heritage National Scenic Trails and Oregon, Mormon Pioneer, Lewis and Clark, Iditarod and Nez Perce National Historic Trails.

Enacting this authority will help protect critical resources along these congressionally-designated trails. Without this authority, trail managers' hands are tied when development threatens important links in the natural landscapes or historic routes of the national trails. The legislation would not commit the federal government to purchase any land or to spend any money but would allow managers to purchase land to protect the national trails as opportunities arise and as Congress appropriates the necessary funds.

Willing seller authority will provide the following benefits:

*Will Help Complete Critical Portions of the National Trails System*

Willing seller land acquisition authority will enable federal agencies to play an essential role in protecting resources and rights-of-way critical to the integrity and continuity of the affected trails. Congress' intent to provide opportunities for outdoor

recreation and appreciation and enjoyment of natural and historic resources may never be fully achieved along these trails without the agencies' ability to purchase land from willing sellers.

The four national scenic trails included in S. 169 have a combined projected length of approximately 9,300 miles. Twenty-five years after their authorization, only about 5,600 miles—slightly more than one-half of their length—are protected so they will be permanently available for public use and enjoyment. The routes of the Ice Age, North Country and Potomac Heritage National Scenic Trails lie mostly across private land in eastern and midwestern states. The Continental Divide National Scenic Trail crosses mostly public land and is nearly complete. Willing seller authority will have little to no impact on the amount of land owned by the federal government in several western states.

Without the ability to purchase permanent rights-of-way from willing sellers, it is highly unlikely that these trails will ever be the continuous pathways that Congress intended. In addition, willing seller authority can allow sections of these trails now located on roads to be moved to overland routes that will provide safer and better conditions for hikers and other trail users.

#### *Restores Basic Property Rights*

S. 169 protects private property rights, as landowners along the affected trails are currently denied the right to sell land to the federal government if they desire to do so. Many landowners have offered to sell their land to the federal government to maintain the continuity of a national scenic trail. Individual families have voluntarily protected many unique and special sites along the trails for several generations. Granting willing seller authority will restore basic property rights to many landowners.

The decision to sell land is made freely by the landowner. The bill only authorizes land acquisition from willing-sellers. The owner must want to sell his land, and he/she must want to sell it to the federal government. Under the willing-seller bill, no contract is valid unless the landowner receives compensation for the land, reflecting basic contract law. S. 169 would not affect the rights of landowners adjacent to the trails or within the trails' viewsheds.

#### *Restores the Ability of Federal Agencies to Fully Administer the National Trails*

S. 169 restore a critical tool to the federal agencies that administer the national trails. The National Trails System Act (NTSA) authorizes the administering agencies to collaborate with other federal agencies, state and local governments and private organizations in planning, developing and managing the trails; develop uniform standards for marking, interpreting and constructing the trails; regulate their use; and provide grants and technical assistance to cooperating agencies and organizations. The NTSA provides for these and other authorities to be applied consistently throughout the National Trails System; however, land acquisition authority—an essential means for protecting the resources and continuity that form the basis for these trails—has been applied inconsistently. This hinders effective administration of significant portions of the National Trails System.

Willing seller land acquisition authority for the National Trails System is nothing new. Congress authorized two trails before 1978 and 14 trails since 1983 with federal land acquisition authority, including the newest additions to the National Trails System—the Old Spanish National Historic Trail authorized in 2002 and Captain John Smith Chesapeake National Historic Trail authorized in 2006.

S. 169 restores the ability of the federal agencies to carry out their responsibilities under the NTSA to protect nationally significant components of our nation's cultural, natural, and recreational heritage. One of the fundamental responsibilities given to the federal agencies is to protect the trails' important cultural and natural resources and to provide public access to and travel within them. Absence of willing-seller authority prevents the agencies from directly protecting resources along the affected trails.

#### *Provides Reasonable Conservation Opportunities*

Willing seller land acquisition authority and subsequent appropriations from the Land and Water Conservation Fund (LWCF) will enable the federal agencies to respond to conservation opportunities presented by willing landowners. The need and opportunity to use this authority will arise at different times for different trails. For some, the authority may not be used for many years or only infrequently. For others the need for this authority is more acute and is likely to be used as soon as Congress makes it available.

With willing seller authority, as provided by S. 169, federal agencies will only be able to buy land from willing sellers if Congress appropriates the funds for them to do so. Ultimate control over how much land may be purchased for the national

scenic and historic trails remains with Congress through the annual appropriation process. Acquisitions will also be controlled by the limited funding available for acquisitions combined with the linear nature of these trails. However, if the administering agency can only protect a segment of trail corridor by acquiring a whole parcel larger than needed for the corridor, the NTSA allows agencies to exchange or dispose of land acquired as part of a whole tract that falls outside the area the area of trail acquisition.

#### *Benefits of Trails*

Our National Trails System provides invaluable environmental, recreational, economic, health, and transportation benefits to the nation. These trails offer family oriented recreation in a safe environment. By increasing physical activity, trail use such as walking/hiking reduces the risk of life-threatening diseases such as heart disease, diabetes, cancer and other serious medical conditions. The national scenic and historic trails provide economic vitality to communities, increasing property values and enhancing regional tourism. They also offer significant educational value as outdoor classrooms for natural and cultural history. Without willing seller land acquisition authority for these trails, our nation will lose irreplaceable and invaluable resources and experiences.

#### CONCLUSION

American Hiking Society is very grateful to Senators Allard and Levin for introducing S. 169. Willing seller bills have received bipartisan support, are generally considered noncontroversial, and are critical to the protection and completion of the National Trails System. We urge the National Parks Subcommittee to recommend these bills for a Senate vote as soon as possible. American Hiking appreciates the opportunity to provide these comments in support of S. 169 for the hearing record. Thank you for your consideration.

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#### STATEMENT OF JOHN FRANKLIN McCABE, CHAIRMAN, THE MARION PARK PROJECT, A COMMITTEE OF THE PALMETTO CONSERVATION FOUNDATION

S. 312 and H.R. 497—The Brigadier General Francis Marion Monument Act of 2007: A bill to authorize The Marion Park Project and Committee of the Palmetto Conservation Foundation to establish a commemorative work on federal land in the District of Columbia and its environs to honor Brigadier General Francis Marion.

Chairman Akaka and distinguished members of the Committee, thank you for inviting me here today to speak on behalf of S. 312, the Brigadier General Francis Marion Memorial Act of 2007. My name is John F. McCabe and I am the Chairman of the Marion Park Project, a Committee of the Palmetto Conservation Foundation in Columbia, South Carolina.

As memorial sponsor, we are pleased to honor one of the great Heroes of the American Revolution, General Francis Marion. On June 28, 1776, Carolina Day, the first major success of for the Revolutionary Forces drove the British Fleet under Sir Peter Parker from the city of Charles Town, South Carolina, at the Battle of Sullivan's Island, sending the Redcoats all the way back to New York, not to return for over three years. The unit responsible was The Second South Carolina Continentals under Gen. William Moultrie, including his able staff officer, Francis Marion.

Convinced that South Carolina was mostly loyal to the Crown, the British returned to the South to prosecute their Southern Strategy. With the City of New York under British occupation, stalemating with George Washington's army following the Battle of Monmouth in 1779, the idea was to capture the Southern Colonies using British Regulars and local Loyalist Militias, starting with Savannah, Georgia, and working their way to Virginia, thus executing a giant pincer tactic on Washington's Army, resulting in crushing the Rebellion.

First, Savannah fell, then Charleston under General Benjamin Lincoln losing 5,000 Continental troops, then Camden under General Horatio Gates dispersing Continentals and Militias to the swamps and wilderness of Backcountry South Carolina. Things were going well for the British's Southern Strategy.

Francis Marion, known as "The Swamp Fox," was born in Berkeley County, South Carolina, in 1732 to Huguenot parents. Even though he was a commissioned officer in The Continental Army, he was assigned to lead a local militia, or irregular fighters, in the back- and low-country swamps of South Carolina fighting British Troops under Lord Cornwallis. He is generally credited as the introducing his guerilla warfare hit and run tactics into the American Army, and is considered to be The Father of Special Forces.

Following the liberation of Charleston in 1776, most Carolinians went back to their homes to farm in peace. When the winds of war returned to the South in 1779, the regiment was recalled and formed in Charleston to defend the city against an eventual British siege. Then Lt. Col Francis Marion with others led an unsuccessful attempt to drive the British from Savannah. After returning to Charleston, the Regiment began building the defenses of the City. In March of 1780, legend has it that a party for Continental Officers was being thrown on Tradd Street in Charleston. The revelers overindulged, prompting Col. Marion to jump from a second story window to escape. He broke his ankle in the fall and was evacuated from the City. Charleston then fell to the British two months later, with the 5,000 Continental troops captured. Meanwhile, the Continentals under General Horatio Gates, the hero of Saratoga, moved south to attack Cornwallis' army at Camden. In August of 1780, the Americans were soundly defeated, with the entire force killed, captured, or dispersed into the woods and swamps. That left only one Commissioned Continental Officer in the Southern Department free to command: Lt. Colonel Francis Marion.

Marion's orders were to harass the supply lines of the British moving goods and weapons from Charleston and Georgetown to their outposts inland, especially Camden. This would buy time for General Nathanael Greene, Daniel Morgan and Light Horse Harry Lee to move south with their army and relieve Gates in the Carolinas. Two particular spots along the routes were the ferries at Santee and Black Rivers. Marion's band of rag-tag militia would strike quickly at these two "choke points" and retreat into the swamps. Famed British Colonel Banastre Tarleton was sent to capture him, but was unsuccessful. After a skirmish at Ox Swamp at Jack's Creek, where Marion and his band had struck and vanished into the swamp, Col. Tarleton exclaimed, "as to this damned old fox, the devil himself could not catch him." The name "Swamp Fox" stuck.

Promoted to Brigadier General in the South Carolina Militia, Francis Marion's legend spread quickly and his success inspired the populace. South Carolina in the Revolution was truly divided. Yet when the British attempted to crush the rebellion with an iron hand, hanging anyone suspected of being a rebel, burning their homes and salting their fields, as well as issuing an order that any former patriot on parole who does not take up arms against the remaining Americans will be hanged, many South Carolinians decided to fight with Marion and the other partisan generals in South Carolina. Marion was non-discriminatory. His band consisted of whites and blacks, rich and poor, free and slave, as well as friendly Native Americans. He was considered fair and kind. Because of this, he led what is considered to be the first integrated fighting force in United States Army history. With all this support and loyalty belonging to the Americans, the British Southern Strategy, which had depended on Loyalists rallying to the Crown which never materialized, began to crumble. Defeats at King's Mountain, Cowpens, and the draw at Guilford Courthouse sent a weakened Lord Cornwallis to his Waterloo at Yorktown. Without that broken ankle sending Francis Marion to command the Williamsburg Militia, many historians feel that the British Plan would have succeeded.

Although Marion was a commissioned officer in the Continental Army, he led a local militia. Living in the swamps and forests, subsisting on sweet potatoes and vinegar, performing his exploits, all the while fighting in his own backyard. He represents the citizen soldier, defending his home and his rights. He inspired the everyday citizen to bear arms against oppression, and in the process was instrumental in the survival of the fledgling United States of America.

In today's environment, our Armed Forces are all volunteer, the same as in Marion's day. The idea that an individual decision to join and defend, making a difference in the country's future, is as inspiring today as it was 226 years ago. 29 cities and 17 counties have been named for General Marion (second only to General Washington). A four year liberal arts state university, a National Forest, countless babies, one of two biographies by the famous Parson M.L. Weems (the other being General Washington which included the felled cherry tree incident), a William Cullen Bryant epic poem, a full length motion picture "The Patriot" starring and directed by Mel Gibson, a Disney series in 1959-60 starring Leslie Nielsen as The Swamp Fox and hosted by Walt Disney himself are all modern day evidence of the popularity of Marion. Militarily, as reported by United States Marine and journalist W. Thomas Smith, Jr., in his online column entitled Washington Monument for this Damned Old Fox, "[h]e is in fact, the father of U.S. Army Special Forces . . . Marion is a member of the U.S. Army Ranger Hall of Fame. Both the U.S. Navy and Coast Guard have named ships after Marion, one of which was designed to land U.S. Marines. Even military pilots claim the lineage, including the "swamp foxes" of the Army's Vietnam-era 199th Recon Airplane Company; the Navy's current 44th Helicopter Anti-Submarine Squadron (Light), based at Mayport

Naval Station, Florida; and the famous 157th Fighter Squadron of the S.C. Air National Guard. Currently flying F-16 fighters, the 157th has fought in numerous conflicts and overseas expeditions—including Iraq during Gulf War I and over Afghanistan in the current global war on terror—where the jets are easily recognizable by the gray ‘swamp fox’ emblazoned on the fuselage.”

These are real and true tributes to a real American Hero, and we ask that National Recognition for General Marion be granted with a monument in Our Nation’s Capital.

On April 17th, 2007, I traveled to Washington, DC, to meet with several of the neighbors around Marion Park on Capitol Hill. Many were concerned about the process and their involvement in the installation of a memorial in Marion Park. The meeting went very well, was attended by 30 or so interested neighbors, National Park Service representatives, Congressional staffers and others.

The process was outlined for everyone, including what S. 312 actually does: it simply authorizes that General Marion warrants memorialization somewhere in the District of Columbia for his historical significance.

After this bill is passed, a joint effort between the Marion Park Project, the local residents, the Advisory Neighborhood Commission, the National Park Service, as well as other governing agencies and bodies, will begin the process of site selection, design, fundraising and installation. We also look forward to helping in improvements to the park, but S. 312 does not address that issue. Our committee, however, looks forward to working to the improvements to the park as much as the memorial and have pledge full cooperation with all involved.

As S. 312 states, no federal funds will be used for the erection of the memorial.

Thank you again for your valuable time and consideration. Your service to our country and her citizens is greatly appreciated.

Thanks go out as well to all of the Congressional and Committee Staffs who have worked so diligently in moving this legislation forward. Also, the National Park Service and the various Commissions charged with the process deserve our deepest gratitude. Thanks as well to the interested residents of Capitol Hill who have been so kind and generous in this endeavor.